

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.05.2021

CORAM:

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.O.P.No.9342 of 2021

M.Thirupathy

... Petitioner/A2

Vs.

State:

The Inspector of Police,
N-2, Kasimedu Police Station,
Chennai.

(Crime No.192 of 2008) ... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail in Crime No.192 of 2008 on the file of the respondent police.

For Petitioner : Mr.E.Ashok Kumar

For Respondent : Mr.A.Gopinath,
Government Advocate (Crl. Side)

ORDER

(Through video conference)

The petitioner, who was arrested and remanded to judicial custody on 18.02.2021 for the offence punishable under Sections 399 and 402 IPC, in Crime No.192 of 2008 on the file of the respondent police, seeks bail.

2.It is a case of jumped bail. The petitioner, who is the second accused in SC.No.98 of 2018 on the file of the learned XIX Additional Sessions Judge, Chennai, did not appear before the Court on 18.04.2018 and thereby, the learned Trial Judge had issued a Non Bailable Warrant (NBW) of arrest against him, pursuant to which, the petitioner was arrested on 18.02.2021.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and that due to illness, he was unable to appear before the Court on 18.04.2018 and thereby, the learned Trial Judge issued Non Bailable Warrant of arrest against him, pursuant to which, he was arrested on 18.02.2021 and he is in custody for more than 3 months.

4.The learned Government Advocate (Crl. Side) appearing for the respondent would vehemently oppose stating that it is the case of the year 2008 registered in Crime No.192 of 2008 for the offence under Sections 399 and 402 IPC. He would submit that since the petitioner did not appear before the Court on 18.04.2018, the learned Trial Judge was pleased to issue Non Bailable Warrant of arrest against him, pursuant to which, the petitioner was arrested on 18.02.2021 with great difficulty. He would further submit that there are totally 8 witnesses in this case. He would submit that the respondents, after great difficulty, were able to secure the petitioner after three years and at this stage, if the petitioner is let out on bail, there are every chances of him getting absconded again and thereby, derailing the progress of trial. He would reiterate that it is the case of the year 2008 and the petitioner was absconding for about three years, due to which, the trial could not proceeded further and prays for dismissal of the petition.

5.Taking into consideration, the submission made by the learned Government Advocate (Crl.Side) that the petitioner has 21 previous cases pending against him and that the petitioner had been absconding from due process of law and also considering the fact that the Sessions Case in S.C.No.98 of 2018 has been pending, this Court feels that it is not a fit case to grant bail to the petitioner.

6.This Criminal Original Petition stands dismissed accordingly.

-sd/-

26/05/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

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TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE XIX ADDITIONAL SESSIONS JUDGE,
CHENNAI.

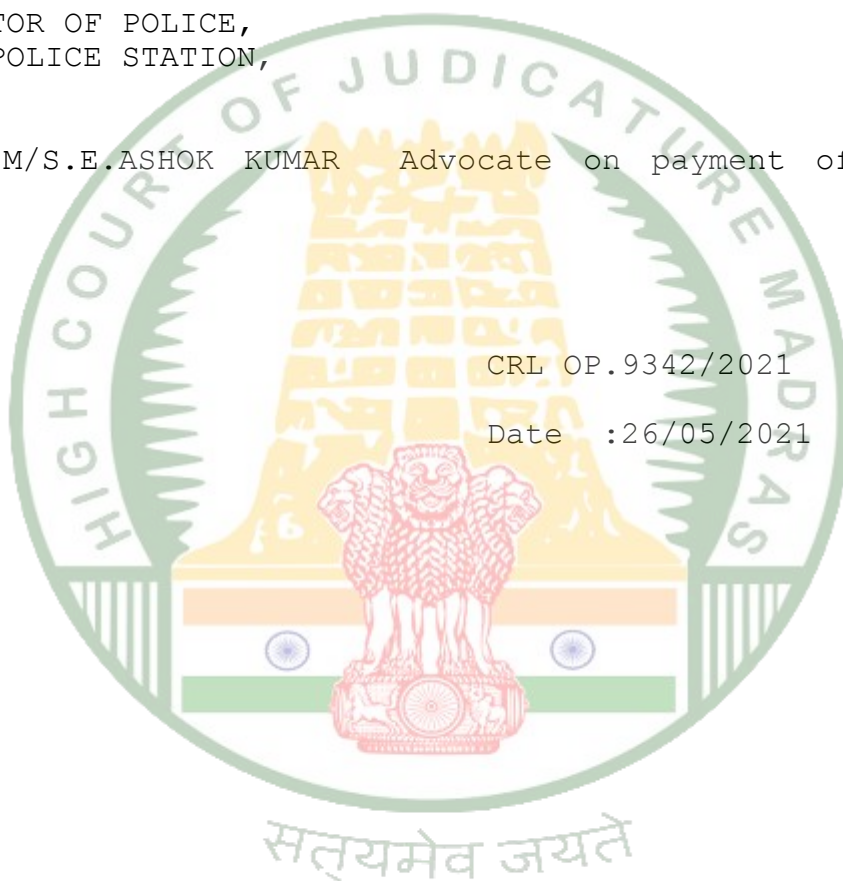
2 THE SUPERINTENDENT,
PUZHAL PRISON.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
N-2, KASIMEDU POLICE STATION,
CHENNAI.

CC to M/S.E.ASHOK KUMAR Advocate on payment of necessary
charges

cs 28/05/2021



CRL OP.9342/2021

Date :26/05/2021

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