

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2021

CORAM

THE HON'BLE MR. JUSTICE A.D. JAGADISH CHANDIRA

Crl. O.P. No. 10205 of 2021

Rajkumar

... Petitioner/Accused

-VS-

State Rep. by
The Station House Officer,
Muthiyalpet Police Station,
Puducherry.
(Crime No. 367 of 2009)

... Respondent/Complainant

Prayer:- Criminal Original Petition filed under Section 439 of the Code of Criminal Procedure, 1973, praying to enlarge the Petitioner on bail in S.C. No. 43 of 2020 pending trial before the Learned III Additional Sessions Judge at Puducherry.

For Petitioner : Mr. U.Yuvaraj

For Respondent : Mr. V.Balamurugane,
Additional Public Prosecutor, Puducherry

ORDER

(The case has been heard through video conference)

The Petitioner, who was arrested and remanded to judicial custody on 19.11.2019 for the offences punishable under Sections 147, 149, 202, 213, 309

and 302 of the Indian Penal Code, 1860, in P.R.C. No. 78 of 2009 in Crime No. 367 of 2009 on the file of the Learned Judicial Magistrate No. III, Puducherry, seeks bail.

2. It is a case of jumped bail. The Petitioner is facing trial in S.C. No. 43 of 2020 on the file of the Learned III Additional Sessions Judge, Puducherry, for the offences punishable under Section 302 of the Indian Penal Code, 1860, along with 11 other accused and since the Petitioner did not appear before the Learned Judicial Magistrate No. III, Puducherry in P.R.C. No. 78 of 2009, the Learned Judge had issued Non-bailable Warrant of arrest against the Petitioner and pursuant to which, the Petitioner has voluntarily surrendered on 19.11.2019 and he has been remanded to judicial custody.

3. The Learned Counsel for the Petitioner would submit that the Petitioner, coming to know the pendency of Non-bailable Warrant of arrest, voluntarily surrendered before the Learned Judge on 19.11.2019 and he is in custody for more than one and half year. He would further submit that this Court had dismissed the earlier bail application in Crl. O.P. No. 19210 of 2020 on 21.12.2020 with a direction to the Learned Trial Judge to expedite the trial and complete the same within a period of six months from the date of receipt of

copy of that order and despite the order, the trial has not been completed the trial. Hence, he prays for grant of bail to the Petitioner.

4. Mr. V.Balamurugane, Learned Additional Public Prosecutor (Puducherry) appearing for the Respondent would vehemently oppose stating that the Petitioner is a habitual offender and against him there are 22 cases out of which, 3 cases were registered for the offence under Section 302 of the India Penal Code, 1860, and that the Petitioner is habituated to crime and that jumped bail. He would further submit that though he voluntarily surrendered on 19.11.2019, it is the case of the year 2009 relating to Crime No. 367 of 2009. He would further submit that only due to pandemic situation and lockdown, the Trial Court is unable to complete the trial and this Court while dismissing the earlier application had only directed the Trial Court to complete the trial as expeditiously as possible and every steps are being taken to complete the trial at the earliest. He would further submit that as and when the Trial Court is reopened, the Respondent would produce the witnesses for examination. He would further submit that after the dismissal of the earlier applications, there is no change of circumstances.

5. Heard the Learned Counsels and perused the earlier dismissal order dated 21.12.2020.

6. Taking into consideration the fact that the Petitioner is a habitual offender against whom there are 22 previous cases out of which, 3 cases were registered for the offence under Section 302 of the Indian Penal Code and this Court had earlier dismissed the bail application and that there is no change of circumstances, this Court is not inclined to grant bail to the Petitioner.

7. Accordingly, this Criminal Original Petition stands dismissed.

18.06.2021

vjt

Index: Yes/No

Internet: Yes/No

To

1. The Station House Officer,
Muthiyalpet Police Station,
Puducherry.
2. The III Additional Sessions Judge,
Puducherry.
3. The Judicial Magistrate No. III,
Puducherry.

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4. The Public Prosecutor,
Madras High Court,
Chennai - 600 104.



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A.D. JAGADISH CHANDIRA, J.

vjt



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