

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.9826 of 2021

Anbu @ Anbarasu
S/o.Pushpa Raj

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
P-6, Kodungaiyur Police Station,
Chennai - 600 118
(Crime No.551 of 2018)

.... Respondent

PRAYER: Criminal Original Petition filed under Section 439 Cr.P.C. praying to enlarge the petitioner on bail in the above PRC.No.93 of 2018 in Crime No.551 of 2018, pending on the file of the learned X Metropolitan Magistrate, Egmore, Chennai.

For Petitioner : Mr.G.Ruthra Kumar

For Respondent : Mr.E.Raj Thilak
Government Advocate (Crl.Side)

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 03.03.2021 for the offence punishable under Sections 147, 148, 341, 302 and 506(ii) r/w 149 of IPC, in PRC.No.93 of 2018 on the file of the learned X Metropolitan Magistrate Court, Egmore, Chennai in Crime No.551 of 2018, seeks bail.

2. The case of the prosecution is that charge sheet was filed against the petitioner on 03.08.2018 in Cr.No.551 of 2018, which is now pending in committal stage. The petitioner was absent before the learned X Metropolitan Magistrate, Egmore, Chennai from 04.10.2018 to 22.02.2021 as such NBW was issued on 27.06.2019 and the petitioner was arrested on 03.03.2021.

3. The learned counsel appearing for the petitioner would submit that there are totally nine accused in this case and the

petitioner is the 9th accused. He further submitted that the intervention of Covid 19 pandemic situation is also a part of the non appearance period in which the courts were not functioning, therefore the petitioner was not wantonly absent before the trial court. Hence, he seeks for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the present case was registered for the offences under Sections 147, 148, 341, 302 and 506(ii) r/w 149 of IPC. After completion of investigation, charge sheet was laid and it is pending for committal in PRC.No.93 of 2018. On his non appearance, though NBW was issued on 22.01.2019, the respondent was able to secure the petitioner only on 03.03.2021. Only because of the petitioner, the committal proceedings is pending from the year 2018 onwards. He further submitted that the petitioner has four previous cases. Hence, he vehemently opposed for grant of bail to the petitioner.

5. It is seen that NBW was issued against the petitioner 22.01.2019 and the respondent was able to arrest the petitioner only on 03.03.2021. The committal proceedings is pending in PRC.No.93 of 2018 on the file of the learned X Metropolitan Magistrate Court, Egmore, Chennai only because of the petitioner herein. If the petitioner is let out on bail, again he will abscond and stall the entire proceedings. That apart, the petitioner is having four previous case and as such he has very bad previous antecedents. Therefore, this Court is not inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition is dismissed.

-sd/-

10/06/2021

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

TRUE COPY

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

TO

1. THE PRINCIPAL SESSIONS JUDGE
CHENNAI

2. THE X METROPOLITAN MAGISTRATE
EGMORE, CHENNAI

3. THE INSPECTOR OF POLICE,
P-6, KODUNGAIYUR POLICE STATION,
CHENNAI - 600 118

4. THE SUPERINTENDENT,
CENTRAL PRISON,
PUZHAI, CHENNAI

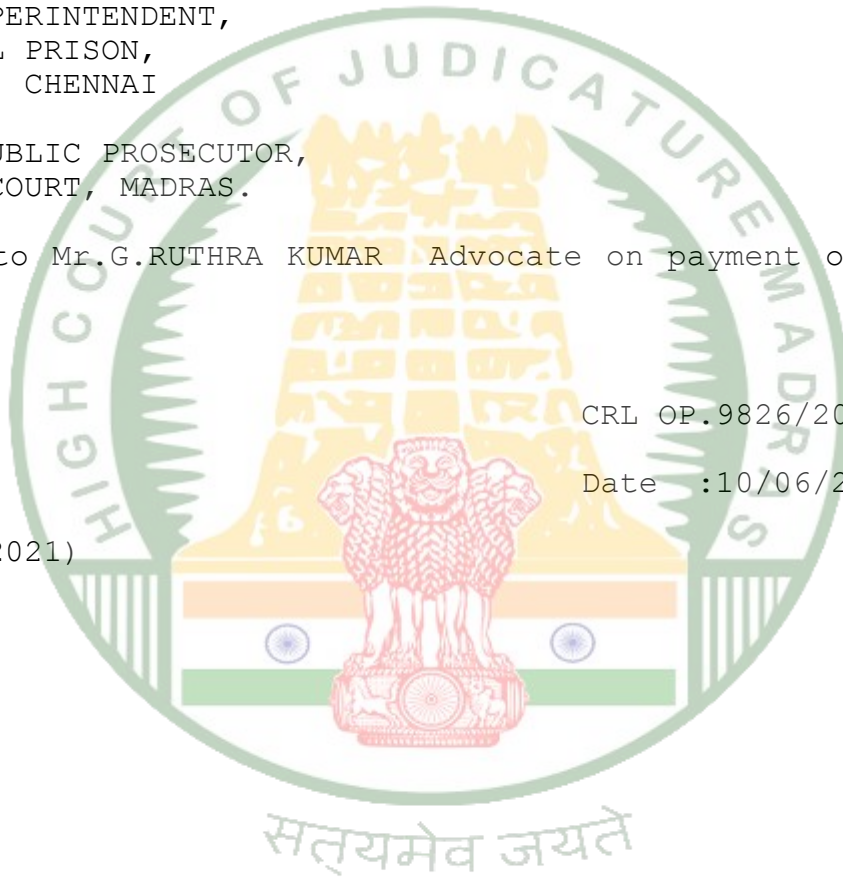
5. THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

CC to Mr. G. RUTHRA KUMAR Advocate on payment of necessary
charges

CRL OP. 9826/2021

Date : 10/06/2021

SP (28/06/2021)



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