

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.06.2021

CORAM :

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.10089 of 2021

Ponraj

..Petitioner/sole accused

/versus/

The State by,

..Respondent/Complainant

The Inspector of Police,
Sulur Police Station,
Coimbatore District.
(Crime No.288 of 2011)

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in connection with Crime No.288 of 2011 on the file of the respondent police.

For Petitioner : Mr.M.Dinesh

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 15.03.2021 for the offence punishable under Sections 380 and 457 of IPC in Crime No.288 of 2011 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner committed offence under Sections 380 and 457 of IPC and a case was registered in the year 2011 and the crime was registered in Crime No.288 of 2011. Subsequently, the petitioner was arrested and released on bail. The respondent police completed the investigation and filed a final report in the year 2011 itself. The trial Court has taken cognizance of offence in C.C.No.938 of 2017 on the file of the Judicial Magistrate, Sulur, Coimbatore District. Thereafter, the petitioner never appeared before the trial Court and the trial Court issued NBW against the petitioner.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and if the petitioner is released on bail, he will not abscond and tamper the prosecution witnesses. Hence, he prayed to

release him on bail.

4.The learned Government Advocate (Crl.side) would submit that the petitioner is the habitual offender. The petitioner is having so many previous cases. The trial Court issued NBW for non-appearance of the petitioner. While pending NBW, he committed three other crimes and he was charge sheeted. Totally, four trials were pending before the trial Court. Only because of his absconding, all the trials are pending before the trial Court. On execution of NBW, the petitioner was arrested on 15.03.2021. If the petitioner is released on bail, he will abscond and all the trials will stall.

5.Considering the facts and circumstances of the case and also taking note of the fact that the petitioner is the habitual offender and he is having so many previous cases and four trial cases are pending for his non-appearance, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

-sd/-
09/06/2021

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 JUDICIAL MAGISTRATE,
SULUR.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
SULUR POLICE STATION,
COIMBATORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL JAIL, COIMBATORE.

CC to M/S.M.DINESH Advocate on payment of necessary charges

CRL OP.10089/2021

Date :09/06/2021