



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2021

CORAM

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

Crl. O.P. No. 11045 of 2021

Karunanidhi

... Petitioner

-vs-

State represented by
The Inspector of Police,
K-3, Aminjikarai Police Station,
Chennai.
(Crime No. 1133 of 2020)

... Respondent

Prayer:- Criminal Original Petition filed under Section 439 of the Code of Criminal Procedure, 1973, praying to grant bail to the Petitioner/Accused pending trial in S.C. No. 122 of 2018 on the file of the III Additional Sessions Court, Chennai.

For Petitioner : Mr. N.Selvarajan

For Respondent : Mr. V.J.Priyadarsana,
Counsel appearing for the Government

O R D E R

(The case has been heard through video conference)

The Petitioner, who was arrested and remanded to judicial custody on 12.03.2020 for the offences punishable under Section 302 of the Indian Penal Code, 1860, in Crime No. 1133 of 2010 on the file of the Respondent Police, seeks bail.

2. The Learned Counsel for the Petitioner would submit that the Petitioner due to ill health was unable to appear before the Trial Court on 04.11.2018 and thereby, the Trial Court had issued a Non Bailable Warrant of arrest against the Petitioner and it was executed on 12.03.2020 and the Petitioner is in custody for more than one year. Hence, he prays for grant of bail to the Petitioner.

3. The Learned Counsel appearing for the Government would submit that the Sessions case is of the year 2018. He would further submit that when the trial was at the fair end, the Petitioner jumped bail and thereby, Non Bailable Warrant of arrest was issued by the Trial Court on 04.11.2018 and the same was executed after nearly about one and half years on 12.03.2020. He would further submit that it is a case where the Petitioner after examination of all the witnesses and



when the case was posted for judgment, had jumped bail. He would further submitted that with great difficulty, the Petitioner was arrested and after arrest, the Petitioner had filed petition for recalling witnesses and out of 23 witnesses, only 13 witnesses were ordered to be recalled and the Petitioner had also cross examined them. He would further submit that the questioning under Section 313 of the Code of Criminal Procedure, 1973, is also over. He would further submit that if bail is granted at this stage, there is every possibility of the Petitioner absconding and that it will derail the progress of the trial. Hence, he would oppose for grant of bail to the Petitioner.

4. Heard the Learned Counsels and perused the earlier dismissal order dated 06.08.2020.

5. Taking into consideration the facts and submissions and also the fact that the Petitioner had absconded after the examination of the witnesses and thereafter, Non Bailable Warrant of arrest had been issued pursuant to which, he was arrested with great difficulty on 12.03.2020 and that if bail is granted at this stage, there is every possibility of the Petitioner absconding again and that it will derail the progress of the trial, this Court is not inclined to grant bail to the Petitioner.

6. Accordingly, this Criminal Original Petition is dismissed.

-sd/-

16/07/2021

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 SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI

2 THE INSPECTOR OF POLICE,
K3 AMINJIKARAI POLICE STATION,
CHENNAI.



3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.11045/2021

Date :16/07/2021

RVR 22/07/2021