

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.02.2021

CORAM :

**THE HON'BLE MR. JUSTICE V.BHARATHIDASAN**

Crl.O.P.No.18961 of 2020

Mohan

... Petitioner

Vs.

State Rep. by  
The Inspector of Police,  
Mathur Police Station,  
Krishnagiri District.  
(Crime No.123/1988)

... Respondent

**PRAYER:** Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in PRC.No.3/2000 pending committal on the file of the learned District Munsif cum Judicial Magistrate, Pochampalli, Krishnagiri District.

For Petitioner : Mr. E.Kannadasan

For Respondent : Mr.M.Prabhavathi

**ORDER**

**(The case has been heard through video conference)**

The petitioner, who was arrested and remanded to judicial custody on 28.09.2020 for the offence punishable under Section 397 of IPC, in PRC No.3 of 2000 on the file of the learned Sessions District Munsif cum Judicial Magistrate, Pochampalli, Krishnagiri, seeks bail.

2. It is a case of jumped bail. The petitioner is A8 in PRC No.3 of 2000 on the file of the learned Sessions District Munsif cum Judicial Magistrate, Pochampalli, Krishnagiri. The occurrence had taken place in the year 1988. Earlier NBW was issued against the petitioner and same was recalled on 11.07.2013. and again, on 11.04.2017 NBW was issued and the same was also recalled on 28.09.2020. Thereafter, he failed to follow the condition imposed by the Court while recalling the warrant, once again NBW was issued against him, pursuant to which, the petitioner was arrested on 05.10.2020.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and that due to illness, he was unable to appear before the Court and thereby, the learned Trial Judge issued Non Bailable Warrant of arrest against him, pursuant to which, he was arrested on 05.10.2020 and he is in custody for more than 120 days.

4.The learned Additional Public Prosecutor appearing for the respondent would vehemently oppose the bail petition stating that the case is pending from the year 1988. Since the petitioner was absconding for the past 20 years, the case against him was split up and trial in respect of other accused has been conducted and all other accused were acquitted. Now, the case against this petitioner was committed and pending in SC.No.12 of 2021 before the Principal District Judge, Krishnagiri. She would submit that at this stage, if the petitioner let out on bail, there are every chances of him abscond again and thereby, derailing the progress of trial.

5.Taking into consideration of the fact that the matter is pending from the year 1988 and the petitioner was absconding for long time, this Court is not inclined to grant bail to the petitioner.

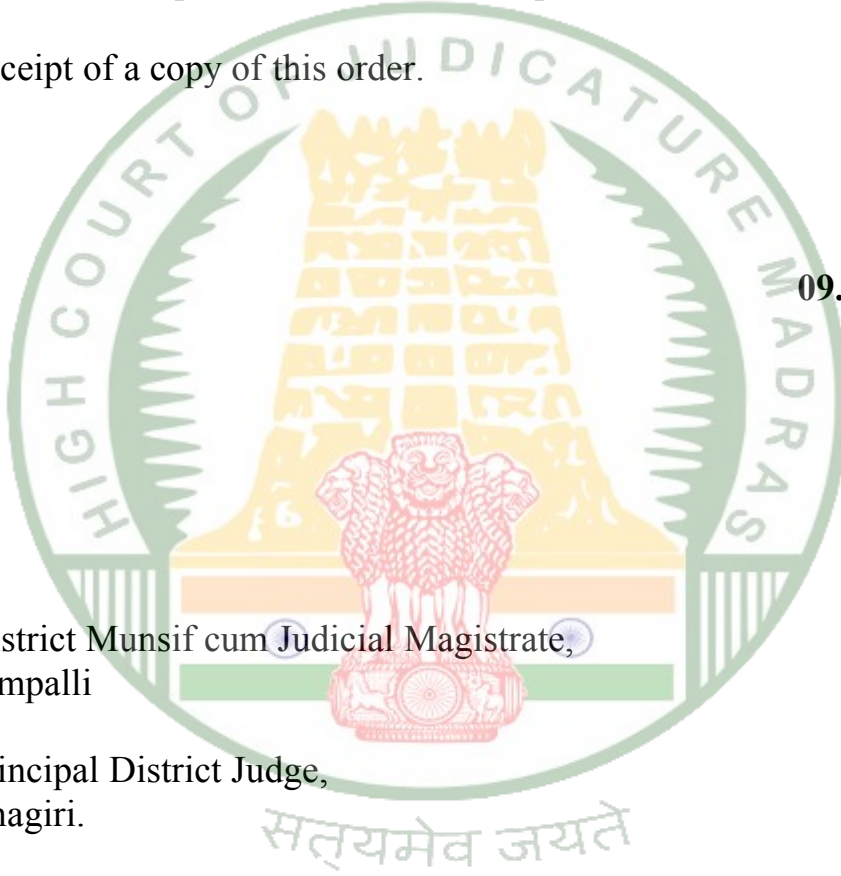
6. This Criminal Original Petition stands dismissed accordingly. However, considering the fact that now, the matter is committed and pending for trial, the trial Court is directed to proceed with the trial and dispose the same within a period of 3 months from the date of receipt of a copy of this order.

09.02.2021

mrp

To

1. The District Munsif cum Judicial Magistrate,  
Pochampalli
2. The Principal District Judge,  
Krishnagiri.
3. The Public Prosecutor,  
High Court of Madras,  
Chennai.77



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**V.BHARATHIDASAN, J.**

mrp



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**04.02.2021**