

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.20774 of 2020

Aathi @ Arunkumar

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Chithode Police Station,
Erode District.
(Crime No.341 of 2003)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.341 of 2003 pending investigation on the file of the Respondent.

For Petitioners : M/s. R. Sankarasubbu

For Respondent : Mrs. M. Prabhavathi,
APP

O R D E R

(The case has been heard through video conference)

Petitioner, who was arrested and remanded to judicial custody on 09.11.2018 for the offence punishable under Sections 457, 380, 449, 302, 398 and 398 r/w. 34 IPC in Crime No.341 of 2003, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused trespassed into the house of the deceased and committed murder and also stolen the properties. Hence, the complaint.

3. It is a case of jumped bail. The petitioner is the main accused in SC.No.95 of 2007 on the file of the learned II Additional District and Sessions Judge, Erode. The occurrence had taken place in the year 2003 and earlier, the petitioner came out on bail. Subsequently, the petitioner, after obtaining bail, failed to appear before the Court and hence, the learned Trial Judge had issued a Non Bailable Warrant (NBW) of arrest against him, pursuant to which, the petitioner was arrested on 09.11.2018.

3.The learned counsel for the petitioner would submit that the petitioner is languishing in jail for more than two years. Now trial almost completed and hence, he prays for granting bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would vehemently oppose stating that since A1 and A2 were absconding, the case against A3 was split up and trial has been conducted only in respect of A3 and he was convicted. Now, the case is pending for more than 15 years and almost all the witnesses are examined and now, the case is posted for examination of Investigating Officer on 17.02.2021. She would further submit that since the petitioner did not appear before the Court at the time of trial, the learned Trial Judge was pleased to issue Non Bailable Warrant of arrest against him, pursuant to which, the petitioner was arrested on 09.11.2018 with great difficulty. She would submit that the respondents, after great difficulty, were able to secure the petitioner and at this stage, if the petitioner let out on bail, there are every chances of him getting absconded again and thereby, derailing the progress of trial.

5.Taking into consideration of the fact that the petitioner has absconded for the past 15 years, and if the petitioner is released on bail, he may be abscond, this Court is not inclined to grant bail to the petitioner.

6. This Criminal Original Petition stands dismissed accordingly. However, the Trial Court is directed to proceed with the trial in S.C.No.95 of 2007 and dispose the same within a period of one month from the date of receipt of a copy of this order.

-sd/-

09/02/2021

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

TRUE COPY

WEB COPY

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

TO

1 THE II ADDITIONAL DISTRICT AND SESSIONS JUDGE,
ERODE.

2 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CHITHODE POLICE STATION,
ERODE DISTRICT.

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

CRL OP.20774/2020

Date :09/02/2021

MK:12/02/2021



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