

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.20550 of 2020

Venkatesan

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Tmbaram Police Station,
(Crime No.2622 of 2014)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.2622 of 2014 in SC No.142 of 2016 pending on the file of the III Additional District Sessions Judge, Chengalpattu.

For Petitioner : Mr. R.Raj Prabhu

For Respondent : Mr.M. Prabavathy,
APP

O R D E R

(The case has been heard through video conference)

The petitioner was arrested and remanded to judicial custody on 05.10.2020 for the offence punishable under Sections 302 and 380 IPC in Crime No.2622 of 2014 and seeks bail.

2. It is a case of jumped bail. The petitioner, who is the accused in SC.No.142 of 2016 on the file of the learned Additional District Sessions Judge, chengalpattu. The occurrence had taken place in the year 2014 and earlier, the petitioner came out on bail. Subsequently, the petitioner failed to appear before the Court on 20.06.2017 and thereby, the learned Trial Judge had issued a Non Bailable Warrant (NBW) against him, pursuant to which, the petitioner was arrested on 05.10.2020.

3.The learned counsel for the petitioner would submit that summons has not been issued to the petitioner and the petitioner was also suffered with injuries. Hence, he was unable to appear before the Court on 20.06.2017 and thereby, the learned Trial Judge issued Non Bailable Warrant of arrest against him, pursuant to which, he was arrested on 13.10.2020 and he is in custody for more than 80 days.

4.The learned Additional Public Prosecutor appearing for the

respondent would vehemently oppose stating that the petitioner is a habitual offender, against whom there are nine previous cases pending. She would submit that since the petitioner did not appear before the Court on 20.06.2017, the learned Trial Judge was pleased to issue Non Bailable Warrant of arrest against him, pursuant to which, the petitioner was arrested on 05.10.2020 with great difficulty. She would submit that the respondent, 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 facts and circumstances and the fact that the petitioner has nine previous cases, this Court is not inclined to grant bail to the petitioner.

6. This Criminal Original Petition stands dismissed accordingly.

-sd/-
18/01/2021

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 III ADDITIONAL DISTRICT
SESSIONS JUDGE, CHENGALPATTU.

2. THE INSPECTOR OF POLICE
TAMBARAM POLICE STATION.

3. THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4. THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

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

CRL OP.20550/2020

Date : 18/01/2021

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