

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2021

CORAM

THE HONOURABLE Mr. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.20762 of 2020

Doss

...Petitioner

Vs.

State rep. by
Inspector of Police,
Kadambathur Police Station,
Thiruvallur District.

...Respondent

Prayer: Criminal Original Petition filed under Section 439 of Criminal Procedure Code, praying to enlarge the petitioner on bail in PRC.No.12 of 2003 on the file of the Judicial Magistrate No.II, Thiruvallur.

For Petitioner : Mr.R.Sasikumar

For Respondent : Mrs.M.Prabhavathi
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 03.12.2020 for the offence punishable under Section 302 of IPC, in PRC.No.12 of 2003 on the file of the learned Judicial Magistrate No.II, Thiruvallur, seeks bail.

2. It is a case of jumped bail. The petitioner, who is the sole accused in PRC.No.12 of 2003 on the file of the learned Judicial Magistrate No.II, Thiruvallur. The occurrence had taken place in the year 2003 and earlier, the petitioner came out on bail. Subsequently, after investigation, the respondent filed final report in the year 2003 and the matter is pending committal. The petitioner, after obtaining bail, failed to appear before the Court on 20.11.2020 and thereby, the learned Trial Judge had issued a Non Bailable Warrant (NBW) of arrest against him, pursuant to which, the petitioner was arrested on 03.12.2020.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and that due to non-issuance of warrant, he was unable to appear before the Court on 20.11.2020 and thereby, the learned Trial Judge issued Non Bailable Warrant of arrest against him, pursuant to which, he was arrested on 03.12.2020 and he is in custody for more than 40 days.

4. The learned Additional Public Prosecutor appearing for the respondent would vehemently oppose stating that it is the case of the year 2002 registered in Crime No.18 of 2002 for the offence under Section 302 of IPC. She would submit that since the petitioner did not appear before the Court on 20.11.2020, the learned Trial Judge was pleased to issue Non Bailable Warrant of arrest against him, pursuant to which, the petitioner was arrested on 03.12.2020 with great difficulty. He would submit that the respondents, after great difficulty, were able to secure the petitioner after 17 years and at this stage, if the petitioner is 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 had absconded for about 17 years and the matter was committed and pending in SC.No.118 of 2020 on the file of Principal District Judge, Thiruvallur and the same is pending trial, this Court is not inclined to grant bail to the petitioner.

6. This Criminal Original Petition stands dismissed accordingly. However, considering the matter is pending from the year 2003, the Trial Court is directed to proceed with the trial and complete the same within a period of three(3) months from the date of receipt of a copy of this order.

-sd/-

06/01/2021

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 JUDICIAL MAGISTRATE,
NO.II, THIRUVALLUR.

2 THE PRINCIPAL DISTRICT JUDGE,
THIRUVALLUR.

3 THE OFFICER INCHARGE
SUB JAIL, THIRUTTANI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

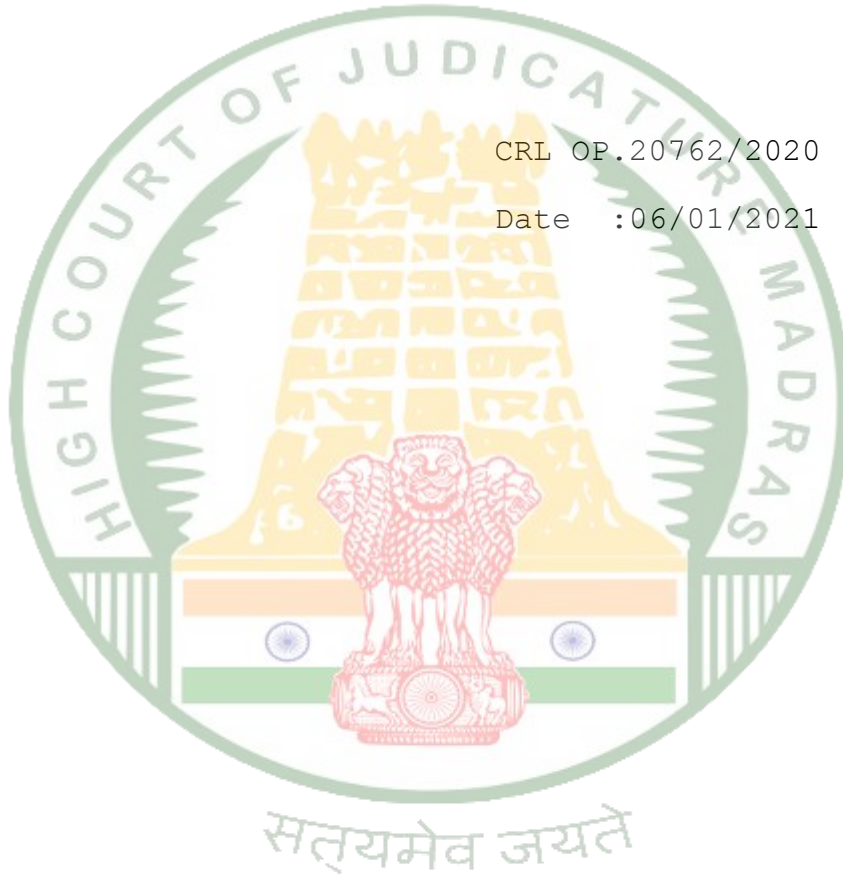
5 THE INSPECTOR OF POLICE,
KADAMBATHUR POLICE STATION,
THIRUVALLUR DISTRICT.

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

CRL OP.20762/2020

Date :06/01/2021

cs 01/02/2021



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