



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Tuesday, the Twenty First day of December Two Thousand Twenty One

WEB COPY

PRESENT

The Hon`ble Mrs Justice T.V. THAMILSELVI
CRIMINAL ORIGINAL PETITION No.24606 of 2021

PANNER @ PANEER SELVM

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY ITS
THE INSPECTOR OF POLICE,
KARIYALUR POLICE STATION,
VILLUPURAM DISTRICT
CR NO.01/2008

[RESPONDENT]

For Petitioner : M/S.P.VAJRAVELU Advocate

For Respondent : MR. N.S.SUGANTHAN, Govt. Advocate (Crl. Side)

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 01.03.2021 for the offence under Section 392 of IPC, in Crime No.01 of 2008, on the file of the respondent police seeks bail.

2. It is a case jumped bail. The petitioner has been arrested on 01.03.2021 on execution of Non Bailable Warrant.

3. The learned Counsel for the petitioner would submit that it is the case of the year 2008 and the petitioner was not aware of the pendency of the case and thereby, he could not appear before the Court and now the petitioner has been arrested on execution of Non Bailable Warrant and he has been suffering incarceration for more than 9 months from 01.03.2021. He would further submit that only if the petitioner comes out on bail, he could engage a counsel to defend his case and if he continues to be in jail, his personal liberty could be affected as per Article 21 of the Constitution of India and would submit that the petitioner is prepared to co-operate for the trial. Hence, he would pray for grant of bail.



4. The learned Government Advocate (Crl. Side) would raise strong objections stating that the petitioner was absconding for more than 10 years and he has been arrested by the police with great difficulties. Because of his abscondance, the other accused were put into hardship and thereby, the case against the petitioner has been split up and taken on file in S.C.No.278 of 2017 on the file of the III Additional District Judge, Kallakurichi District. He would further submit out of 12 witnesses, 3 witnesses have been examined and the other witnesses have been issued summons and if the petitioner is released on bail, there is every possibility of him getting abscond and the trial would get stalled.

5. It is seen that the crime of the year 2008 and the petitioner had been absconding for more than 10 years and hence, the case against the petitioner has been split up. Now the witnesses started to be examined and the trial is under progress. Hence, this Court is not inclined to grant bail to the petitioner.

6. It is made clear that even from judicial custody, the petitioner can engage a Counsel to conduct the trial through. Free legal aid is also very much available to the petitioner. Hence, the contention of the learned Counsel for the petitioner cannot be accepted.

7. However, since the case is pending for a long, the learned III Additional District Judge, Kallakurichi District, is directed to complete the trial in S.C.No.278 of 2017 within a period of 3 months from the date of receipt of copy of this order.

8. With the above directions, this Criminal Original Petition is dismissed.

-sd/-

21/12/2021

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 III ADDITIONAL DISTRICT JUDGE,
KALLAKURICHI DISTRICT.

2 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE

3 THE INSPECTOR OF POLICE,
KARIYALUR POLICE STATION,
VILLUPURAM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.P.VAJRAVELU Advocate on payment of necessary
charges sr.15484

CRL OP.24606/2021

Date :21/12/2021

RVR 03/01/2022