



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

Wednesday, the Second day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mrs Justice T.V. THAMILSELVI
CRIMINAL ORIGINAL PETITION No.2289 of 2022

SETHU @ CHAIRMAN

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY
INSPECTOR OF POLICE,
MOONGILTHURAIPATTU POLICE STATION,
VILLUPURAM DISTRICT.
(CR.NO.18/2007) (S.C.NO.302/2010)

[RESPONDENT]

For Petitioner : M/S.G.SARAVANABHAVAN 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 18.08.2021 for the offence under Section 376 IPC in crime No.18 of 2007 on the file of the respondent police seeks bail.

2. It is a case of jumped bail. The petitioner was arrested and remanded to judicial custody on 18.08.2021 on execution of non bailable warrant.

3. The learned Counsel for the petitioner would submit that the petitioner was regularly appearing before the Court and thereafter, due to ill health the petitioner was unable to appear before the trial Court and hence, the learned Magistrate issued non bailable warrant against the petitioner on 21.12.2020 and the petitioner was arrested and remanded to judicial custody on 18.08.2021 on execution of non bailable warrant. He would further submit that the petitioner has been suffering incarceration for more than 5 months and he is ready to appear before the trial Court regularly and to cooperate for the trial. Hence, he would pray for grant of bail.



4. The learned Government Advocate (Crl. Side) would raise objection stating that it is a case of rape and it is the case of the year 2010. On earlier 3 occasions, the petitioner was absconded and thereafter he himself surrendered and again he was absconding from 21.12.2020 and thereafter arrested on 18.08.2021 on execution of non bailable warrant. Hence, if he is released on bail again there is possibility of the petitioner getting abscond and thereby, the trial would be stalled. He would further submit that now the case posted on 07.02.2022 for examination of Investigating Officer and the trial is at the verge of disposal.

5. On seeing the earlier conduct of the petitioner, this Court is not inclined to grant bail to the petitioner.

6. The trial court is directed to complete the trial in S.C.No.302 of 2010 within a period of 3 months from the date of receipt of copy of this order.

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

-sd/-

02/02/2022

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 SESSIONS JUDGE, MAHALIR NEETHI MANDRAM
(FAST TRACK MAHILA COURT), VILLUPURAM

2 THE SUPERINTENDENT, CENTRAL PRISON, CUDDALORE

3 INSPECTOR OF POLICE,
MOONGILTHURAIPATTU POLICE STATION,
VILLUPURAM DISTRICT.

4 THE PUBLIC PROSECUTOR, HIGH COURT, MADRAS.

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

CRL OP.2289/2022

Date : 02/02/2022

RVR 11/02/2022