



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Tenth day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL ORIGINAL PETITION No.3271 of 2022

SELVAM @ VIJAYASELVAM @ SURIYA

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
METTUPALAYAM POLICE STATION,
COIMBATORE.
CRIME NO.428/2006

[RESPONDENT]

For Petitioner : M/S.R.SRINIVASAN Advocate

For Respondent : Mrs.G.V.KASTHURI, Additional Public Prosecutor

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner who was arrested and remanded to judicial custody on 22.03.2021 for the offences under Sections 394 r/w 397 of IPC in Cr. No.428 of 2006 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the respondent police registered a case against the petitioner alleging that he had committed offences under Sections 394 r/w 397 of IPC. After filing of final report and at the time, when the case was pending before the learned Judicial Magistrate, Mettupalayam in PRC.No.15 of 2008, the petitioner was not appeared. Hence, Non Bailable Warrant was issued against him and later he was arrested in Crime No.28 of 2021, on the file of the Nellikuppam Police Station and thereafter, he has been produced before the trial Court. Afterwards, the trial Court altered the PT warrant into a regular warrant. In this occasion, the present petition is filed.



3. The learned counsel appearing for the petitioner submitted that the petitioner's resident is Cuddalore District and due to the COVID-19 lockdown, the petitioner was not able to appear before the trial Court. Due to non-appearance of the petitioner, NBW was issued by the trial Court and the petitioner's absence is neither wilful nor wanton. He further submitted that the petitioner is incarcerated from 22.03.2021 and therefore, he prays to grant for bail against the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner is involving the following 10 previous cases:

i. Mettupalayam Police Station, Crime No. 667 of 2004 under Section 302 IPC.

ii. Chennai City Police Pallavaram Police Station, Crime No. 591 of 2002 under Section 384 IPC @ 392 IPC.

iii. Chennai City Kundrathur Police Station, CCrime No. 280 of 2003 under Section 379 r/w 384 IPC.

iv. Kanchipuram District, Kelampakkam Police Station Crime No. 109 of 2003 under Section 394 IPC.

v. Chennai City Pallavaram Police Station, Crime No. 591 of 2002 under Section 384 IPC @ 392 IPC.

vi. Cuddalore NPS Crime No. 430 of 2003 under Section 279, 341, 294(b), 506(ii) IPC.

vii. Chennai City Meenambakkam Police Station, crime No. 95 of 2033 under Section 302, 397 IPC.

viii. Cuddalore NTPS Crime No. 652 of 2004 under Section 41(1), 102 Cr.P.C.

ix. Kanchipuram District Mamallapuram Police Station crime No. 304 of 2006 under Section 392 of IPC.

x. Cuddalore NTPS crime No. 237 of 2002 under Section 148, 447, 341, 307 & 149 IPC.

5. In the above said petitions, only after issuing the warrant, the respondent police secured him and produced before the trial Court. Therefore, by considering the antecedents of the petitioner, this Court is not inclined to grant bail to the petitioner.



6. Accordingly, this Criminal Original Petition is dismissed.

WEB COPY

-sd/-

10/02/2022

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 JUDICIAL MAGISTRATE,
METTUPALAIYAM, COIMBATORE DISTRICT.

2 THE INSPECTOR OF POLICE,
METTUPALAYAM POLICE STATION,
COIMBATORE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

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

CRL OP.3271/2022

Date :10/02/2022

RW 21/02/2022