



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the First day of March Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.4822 of 2022

IN C.C.No.72 of 2018

(On the file of Principal Special Court for NDPS and EC Act Cases at Chennai)

JAISINGH @ JOHN JAISINGH

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
H-8, THIRUVOTTIYUR POLICE STATION,
CHENNAI
(CRIME NO.787 OF 2016)

[RESPONDENT]

For Petitioner : M/S. MOHAMMED AASIF Advocate

For Respondent : M/S.G.V.KASTHURI, Additional public Prosecutor

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petition is filed to grant bail for the offences under Sections 419, 379, 365, 395 r/w. 120(b) r/w.34 IPC and Section 9A r/w. 25A and 29 of NDPS Act, 1985.

2. The specific case of the prosecution is that the petitioner herein was formerly employed in MALADI drugs and he had illegally abducted the lorry which contained 1500 kgs of Ephedrine Hydrochloride raw material, but which is controlled substance and several cases have been lodged against him for his diversion. While so, in S.C.Nos.161 and 254 of 2016 as well as in C.C.No.72 of 2018, he was granted bail. Thereafter, for his non appearance warrant was issued when he was in prison and PT warrant was issued in the present case [C.C.No.72 of 2018] for his production. On his production, the trial Court had converted the PT warrant into regular warrant of remand and remanded



the petitioner herein to prison. In the said case, later he was granted bail. However, he did not appear before the trial Court on 02.11.2020 and therefore, NBW was issued. Pursuant to the issuance of NBW, the petitioner herein was secured on 23.09.2021.

3. The present case of the petitioner counsel is that while the petitioner was granted bail in this case and did not appear in the other two cases and NBW was issued against him, which was executed on 21.12.2020 and remanded to prison.

4. In such circumstances, PT warrant was issued in subsequent case in C.C.No.72 of 2018, which is the subject matter of the present bail petition. Due to Covid situations, the petitioner was not able to attend physically before the Court, which has warranted issuance of NBW on 02.11.2020 and execution on 23.11.2020. The petitioner would submit that most of the previous cases ended of acquittal and except three cases and he is always ready and willing to cooperate with the trial.

5. However, the learned Additional Public Prosecutor submits that there are nearly 14 accused in this case and one after another absconds themselves and refused to participate in the trial leading to issuance of NBW and for the said reason, the trial is pending since 2016. The trial Court, while considering the bail petition, has gone through the facts and had clearly recorded that the release of the petitioner herein is not conducive for the expeditious trial, which is already delayed for more than three years.

6. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent.

7. This Court concurs with the view expressed by the trial Court, while dismissing the bail petition. Taking note of the fact that the antecedent of the petitioner had been frequently absconding from attending the Court and warrants to recall on his promise that he will attend the Court regularly in future, is only to delay the disposal of the trial. Hence the Criminal Original Petition is dismissed. The trial Court is directed to complete the trial preferably within a period of four months from today.

-sd/-

01/03/2022

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 PRINCIPAL SPECIAL COURT
FOR NDPS AND EC ACT CASES AT CHENNAI.

2 THE INSPECTOR OF POLICE,
H-8, THIRUVOTTIYUR POLICE STATION,
CHENNAI

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.4822/2022

Date :01/03/2022

JPA 04/03/2022