



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Sixth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.12120 of 2022

RAJESH KUMAR

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
MAMALLAPURAM POLICE STATION.
KANCHEEPURAM DISTRICT.
(CRIME NO.666/2005)

[RESPONDENT]

For Petitioner : M/S.M.PRAKASH Advocate

For Respondent : MR.A.DAMODARAN, 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 01.04.2022 for the offences punishable under Sections 392 r/w 397 of IPC in crime No.666 of 2005 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that in crime No.666 of 2005, the petitioner and other accused persons were arrayed as accused. Thereafter, the respondent police filed final report and the same was taken cognizance in SC.No.191 of 2006. Since the petitioner was absconded from the year 2006, case was split up to SC.No.30 of 2009. On NBW, the petitioner was arrested on 01.04.2022.

3. The learned counsel for the petitioner would submit that due to ill health, the petitioner was not able to appear before the trial court and the non appearance of the petitioner before the trial court is neither willful nor wanton. He would further submit that the petitioner is ready and willing to abide by any stringent condition. Therefore, he prays for grant of bail to the petitioner.



4. The learned Additional Public Prosecutor would submit that since the petitioner was not appearing before the trial court regularly, NBW was issued and the petitioner was arrested and remanded to judicial custody on 01.04.2022. He would further submit that if the petitioner, who is the native of Uttar Pradesh, is let out on bail, it is very difficult to secure him. Hence, he vehemently opposed to grant bail to the petitioner.

5. It is seen that on NBW the petitioner was arrested and remanded to judicial custody on 01.04.2022. The crime number is of the year 2005 and the sessions case is of the year 2009. Only because of his absence, the entire trial was stalled and pending. Further, the petitioner belongs to Uttar Pradesh and if he is let out on bail, again he will abscond. Therefore, this Court is not inclined to grant bail to the petitioner.

6. Accordingly, this criminal original petition is dismissed.

-sd/-
06/06/2022

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 INSPECTOR OF POLICE,
MAMALLAPURAM POLICE STATION,
KANCHEEPURAM DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE OFFICER INCHARGE
SUB JAIL, CHENGALPATTU DISTRICT.

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

CRL OP.12120/2022

Date :06/06/2022

TA-09/06/2022