



WEB COPY



CRL A No.221 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.07.2023

Coram:

THE HONOURABLE MRS. JUSTICE R.HEMALATHA

Criminal Appeal No.221 of 2023

Thadi Iyyanar @ Iyyanar

... Appellant

Vs.

1. Superintendent of Police
Puducherry

2. State Represented by
The Station House Officer
Villianur Police Station, Puducherry
(Crime No.185 of 2018)

3. K.Innarasan

... Respondents

Prayer: Criminal Appeal filed under Section 14(A)(2) of SC/ST Act, 1989, to set aside the order passed by the learned II Additional Sessions Judge, Puducherry, in CrI.M.P.No.3182 of 2022 dated 19.12.2022 and enlarge the appellant on bail in Spl.S.C.No.01 of 2019 on the file of the learned II Additional Sessions Judge, Puducherry.

For Appellant : Mr.M.P.Yuvaraj

For R1 and R2 : Mr.K.S.Mohandass
Public Prosecutor
Assisted by M/s.N.Danalatchoumy



CRL A No.221 of 2023

WEB COPY

JUDGMENT

The Criminal Appeal is filed against the order passed by the learned II Additional Sessions Judge, Puducherry, in CrI.M.P.No.3182 of 2023 dated 19.12.2022 and to enlarge the appellant on bail in Spl.S.C.No.1 of 2019.

2.The appellant/accused had filed a petition under Section 439(1)(a) Cr.P.C. in CrI.M.P.No.3182 of 2023 seeking to enlarge him on bail. The learned II Additional Sessions Judge, Puducherry, in his order dated 19.12.2022, had observed thus;

5. Heard both side, records perused. On perusal of the records, it is evident that because of the absence of the accused, on 07.10.2021, the accused was arrested on execution of NBW and remanded to judicial custody. Thus it is evident, because of the absence of the accused before this court, the trial of the case is stalled. In spite of issuance of warrant also, this accused has not cared to recall the NBW and the accused was produced on 07.10.2021 on execution of the NBW and remanded to judicial custody. The trial of the case has already started and



CRL A No.221 of 2023

the case is at Argument stage. Considering the facts and circumstances of the case and the stage of the case, the presence of the accused is very essential for the speedy disposal of the case, hence, this court is not inclined to grant bail and this petition is dismissed at this stage.

3. Mr.M.P.Yuvaraj, learned counsel appearing for the appellant contended that the appellant/accused has been in prison for more than 1½ years and therefore, he may be enlarged on bail.

4. Mr.K.S.Mohandass, learned Public Prosecutor, Assisted by Ms.N.Danalatchoumy, appearing for the respondent police contended that subsequent to the filing of the present FIR, the appellant/accused involved in the offences punishable under Sections 294(b), 324, 307, 506(ii) IPC in Crime No.276 of 2021 registered by the Villianur Police and since the present case is filed for the offence under Section 302 IPC also, the appellant should not be released on bail. He would further submit that the case is now posted for arguments on 18.07.2023.



CRL A No.221 of 2023

WEB COPY

5. A perusal of the order passed by the trial Judge shows that the appellant jumped bail and even after issuance of Non Bailable Warrant against him on 21.09.2021, he did not even file a petition under Section 70(2) CrI.P.C. to recall the Non Bailable Warrant issued against him. On the contrary, he was arrested by the police on 07.10.2021. Further, the case is now posted for arguments. Therefore, at this stage, this Court does not find any reason to enlarge the petitioner on bail.

6. Accordingly, this Criminal Appeal is dismissed.

12.07.2023

ksa-2

Index: Yes/No

Speaking Order: Yes/no

Neutral Citation: Yes/no



CRL A No.221 of 2023

WEB COPY To

1. The II Additional Sessions Judge, Puducherry.
2. The Superintendent of Police, Puducherry
3. The Station House Officer
Villianur Police Station, Puducherry
4. The Public Prosecutor Officer, High Court, Madras
5. The Section Officer, Criminal Section, High Court, Madras.



WEB COPY



CRL A No.221 of 2023

R.HEMALATHA. J.

Ksa-2

Criminal Appeal No.221 of 2023

12.07.2023