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Crl.O.P.No.31592 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2025

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.31592 of 2024

Ambeth @ Ambethkar

... Petitioner

Vs.

The Inspector of Police,
G2 Periamedu Police Station,
Chennai.(Crime No.333 of 2009)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleaded to enlarge the petitioner on bail in in S.C.No.364 of 2024 on the file of the learned XV Additional Sessions Judge, Chennai.

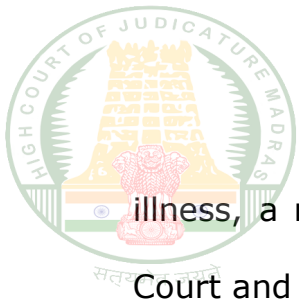
For Petitioner :Mr.K.Nivesh Kumar

For Respondent :Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER

Petition seeking bail in respect of S.C.No.364 of 2024 pending on the file of the learned XV Additional Sessions Judge, Chennai, in connection with Crime No.333 of 2009 registered for the offences punishable under Sections 341, 336, 397, 506(ii) r/w Section 34 of IPC, is on board for consideration.

2. Learned counsel for the petitioner submits that the petitioner is an accused facing trial in S.C.No.364 of 2024 pending on the file of the learned XV Additional Sessions Judge, Chennai. He further submits that since the petitioner was unable to appear before the trial court on account of his



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illness, a non-bailable warrant of arrest was issued against him by the trial Court and pursuant to the same, he was remanded on 29.08.2024 through PT warrant. He also submits that the petitioner is in custody for more than 5 months. He also submits that the petitioner undertakes that he would appear before the Trial Court on all hearing dates without fail and he would co-operate for speedy disposal of the trial. Hence, he prayed for grant of bail to the petitioner.

3. Learned Government Advocate (Criminal Side) appearing for the respondent Police submits that as far as the present case is concerned, the non-bailable warrant issued against the petitioner in the year 28.02.2023 was executed under PT warrant on 29.08.2024. He further submits that the petitioner was arrested in Crime No.47 of 2024 registered on the file of the P1 Pulianthope Police Station for the offence under Sections 294(b), 323, 397, 427, 336 and 506(ii) of IPC, on 10.02.2024 and thereafter, remanded in the present case. He also submits that present case is of the year 2009 and that due to the absence of the petitioner, the case was split up against him and numbered as S.C.No.364 of 2024. He further submits that the petitioner is a notorious person having 33 previous cases and further, the non-bailable warrants pending against the petitioner in respect of other previous cases have also been executed. He also submits that four cases pending against the petitioner are at the stage of framing of charges and most of the cases registered against the petitioner are ripe for trial. Producing the abstracts of the cases pending against the petitioner, he would submit that if the



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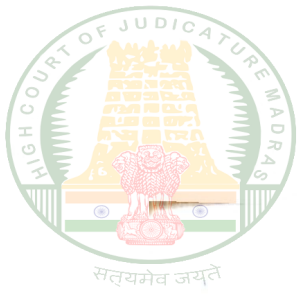
petitioner is released on bail at this stage, there is every possibility of his abscondence and being not available for trial proceedings. Hence, he vehemently opposed for grant of bail to the petitioner.

4. The abstract of the cases registered against the petitioner, as produced by the learned Government Advocate (Criminal Side) is reproduced hereunder for ready reference:-

HS Details - "A+"-Category HS. No. 74/P1/R/2015

Ambeth @ Ambethkar @ Ambeth Kumar M/a 39, S/o Narayanan, No.218/2, Krishna Nagar 3rd street, Puthur, Andhrapradesh.

S. NO	PS	Cr. No	Section	Arrest Date & Bail Date	Stage of the Case	Court & CC/SC. No.	Present Stage in PT	Next Hearing Date	Whether any NBW Pending (NBW Issued Date)
1	P1 Pulianthope	1668/2013	294(b), 341, 392, 336, 427, 506(2) r/w 397 IPC	18.09.2013 & 08.09.2014	NTF	SR. No. 92464/2024 Dt.28.10.2024	-	-	-
2	P1 Pulianthope	343/2013	341, 294(b), 307, 506(ii) IPC	20.03.2013	PT	SC. No. 447/2024 Dt.09.12.2024 Add -XVII	Appearance	31.01.2024	-
3	P1 Pulianthope	1000/2016	294(b), 341, 397, 366, 427, 307, 506(ii) IPC	10.08.16 & 17.03.2017	NTF	SR. No. 82922/2024 Dt.23.09.2024	-	-	-
4	P1 Pulianthope	352/2018	147, 148, 294(b), 341, 323, 392, 397, 336, 506(II) IPC	Not Arrest	NTF	SR. No. 91848/2024 Dt.25.10.2024	-	-	-
5	P1 Pulianthope	357/2018	147, 148, 294(b), 341, 392, 397, 336, 506(II) IPC	Not Arrest	NTF	SR. No. 90906/2024Dt.23.10.2024	-	-	-
6	P1 Pulianthope	373/2018	147, 148, 294(b), 341, 392, 397, 336, 506(II) IPC	Not Arrest	NTF	SR. No. 82594/2024 Dt.21.09.2024	-	-	-
7	P1 Pulianthope	425/2019	147, 148, 294(b), 341, 392, 323, 397, 336, 506(II) IPC	01.07.19 & 30.09.2019	NTF	SR. No. 88119/2024 Dt.14.10.2024	-	-	-
8	P1 Pulianthope	429/2019	147, 148, 294(b), 341, 392, 323, 397, 336, 506(II) IPC	01.07.19 & 30.09.2019	NTF	SR. No. 89406/2024 Dt.18.10.2024	-	-	-
9	P1 Pulianthope	112/2020	294(b), 341, 392, 323, 397, 336, 506(II) IPC r/w 397 IPC	17.11.2020 & 18-01-2021	NTF	SR. No. 88118/2024 Dt. 14.10.2024	-	-	-
10	P1 Pulianthope	141/2020	147, 148, 294(b), 341, 392, 323, 397, 336, 506(II) IPC r/w 397 IPC	17.11.2020 & 18-01-2021	NTF	SR. No. 82350/2024 Dt. 20.09.2024	-	-	-



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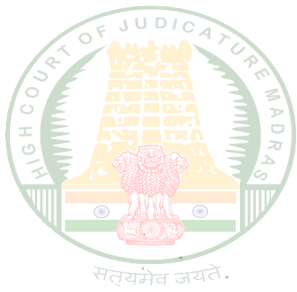
11	P1 Pulianthope	1527/2020	294(b), 392, 506(II) IPC r/w 397 IPC	18.11.2020 & 18.01.2021	NTF	SR. No. 81973/2024 Dt. 19.09.2024			
12	P1 Pulianthope	1450/2021	294(b), 341, 323, 397, 506(II) IPC	31-03-2022 & 07.07.2022	NTF	SR. No. 83719/2024 Dt. 25.09.2024			
13	P1 Pulianthope	236/2022	294(b), 341, 323, 336, 397, 427, 506(II) IPC	31.03.2022 & 07.07.2022	NTF	SR. No. 81978/2024 Dt. 19.09.2024	-	-	-
14	P1 Pulianthope	511/2023	294(b), 323, 385, 397, 427, 336, 506(II) IPC	22.10.2023 & 22-12-2023	NTF	SR. No. 20579/2024 Dt. 11-03-2024	-	-	-
15	P1 Pulianthope	47/2024	294(b), 323, 397, 427, 336, 506(II) IPC	10.02.2024 & Presently in Kovai Jail	NTF	SR. No. 18477/2024 Dt. 04.03.2024	-	-	-
16	P1 Pulianthope	499/2014	341, 294(b), 392, 397, 336, 427, 506(ii) IPC	03.03.2014 & 06.08.2014	UI	-	-	-	-
17	P1 Pulianthope	952/2011	294(b), 341, 427, 307, 506(ii) IPC	18.08.11 & 26.08.11	UI				
18	P2 Otteri	372/2018	147, 148, 341, 294(b), 392, 397, 336, 506(II) IPC		UI	-	-	-	-
19	G3 Kilpauk	566/2013	397 IPC	25.01.2025	UI				
20	G3 Kilpauk	583/2013	341, 323, 336, 427, 397 r/w 506(II) IPC	25.01.2025	UI				
21	Vengal PS	36/2015	147, 148, 294(b), 307, 302, 506(ii) IPC	Transferred to CBCID	PT	PRC No. 10/2015 Dt. 26.05.2015 JM 1 TVL	Framing of Charge	04.02.2025	
	CBCID PS (TVL)	001/2015	147, 148, 449, 120(b), 302, 506(ii) IPC						



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22	B3 Kanchipuram Taluk	586/2015	147, 148, IPC r/w 25(1)(B) Arms act r/w 5(A) of explosive substances act	-	UI	-	-	-	-
23	C1 Sriperambur	406/2015	147, 148 IPC r/w 25(1)(B) Arms Act r/w 7(1)(a) CLA Act	-	UI	-	-	-	-
24	M7 Manali Puthunagar	1432/2015	147, 148, 307 r/w 3 of TNTNPPDL Act		PT	PRC No.17/2017 Dt.25.07.2017 TVLR-PJ I			
25	Guduvanchery PS	91/2015	302 IPC	26.09.2015 & 14.01.2016	PT	SC No.142/2024 Dt.01.07.2024 PJ1 Chengalpattu	Framing of Charge	20.02.2025	
26	E3 Minjur	451/2018	147, 148, 341, 324, 302 IPC r/w 3 of TNPPDL Act	15.08.2019 & 15.12.2009	PT	Sc. No.288 Add I court Ponneri	Framing of Charge	11.02.2025	
26	M5 Ennore	907/021	80 r/w 20(b)(ii) 25 NDPS Act		PT	CC. No. 99/2022 Dt. 01.04.2022 NDPS -I	PW8 CROSS	20.02.2025	
28	E4 Kattur	125/2022	120(b), 147, 148, 450, 341, 302 IPC r/w 149, 3(2)(V) SC/ST Act		PT	SC No.128/2024 Dt.19.06.2024 TVLR PJ-1		17.02.2025	NBW Pending
29	Thiruvarambur PS	225/2016	147, 148, 341, 307 IPC r/w 3(4) of Explosive substances act r/w 34 IPC		UI				
30	Tanjore Medical college PS	81/2016	25(1-B)(b) Arms Act & 4 (a), 5 & 6 IES Act 147,148, 149, 353 IPC		PT	PRC No. 25/19. Dt 29.08.2019 Tanjore JM-1	Framing of Charge	29.01.2025	A7 NBW
31	B1 Chengalpattu PS	636/2024	224, 132, 351(2) BNS Act r/w 42 prison		UI				
32	G2 Periamet	1928/2015	234, 506(ii) IPC		Acquital				



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33	G2 Periamet	333/2009	341, 336, 397, 506(ii) IPC	29.08.2024	PT	PRC No.191/2009 Dt. 23.10.2009 MM-II 1-SC. No. 138/2021Dt. 15.03.2021 2-SC No.80/2024 Dt. 02.04.2024 3- SC No.364/2024 Dt. 24.10.024 Addl. XIX	A1-Accuest issued Fresh Summon LW2 to LW 7 Dt.18.02.2025 A2-Accused present. Trial by 17.02.2025. A4 present. A3 seen through VC. Remand extended till 06.02.2025. To open the case of prosecution by 19.02.2025.	A1-18.02.2025 A2-17.02.2025 A3-19.02.2025	A3 is present in Kovai Jail (NBW Executed)
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5. The learned Government Advocate has also produced a list containing statistics based on classification of offences alleged to have been committed by the petitioner and the same is also reproduced hereunder:-

S.No.	Sections	No. of cases
1.	302 IPC	4
2.	307 IPC	5
3.	392 & 397 IPC	18
4.	Arms Act & Explosive Act	3
5.	NDPS Act	1
6.	Other IPC	2
Total		33

S.No.	Stage of the cases	No. of cases
1.	PT	9
2.	Not Taken on File	14
3.	Acquittal	1
4.	Under Investigation	9
Total		33

6. From a perusal of the statistics provided, the petitioner, who is now aged about 39 years, appears to have been history sheeted with "A+" category vide H.S.No.74/P1/R/2015 on the basis of his criminal antecedents from the year 2013. He has 33 criminal cases registered in various Police Stations of Chennai, Tambaram, Avadi and in the Districts of Kancheepuram,



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Chingleput and Thiruvallur. Out of such cases, 4 cases have been registered under Section 302 IPC, 5 cases under Section 307 IPC, 18 cases under Sections 392 and 397 IPC, 3 cases under the Arms Act and Explosive Act. Added to the above, he has also one case registered under NDPS Act involving commercial quantity.

7. The petitioner being claimed to be such a notorious person as per the records of the Police, it is a sorry state of affairs that in cases pertaining to the years 2013 to 2020, final report has been filed only during the year 2024 and they are yet to be taken up on file. In respect of murder cases of the year 2015, final report has been filed only in the year 2024. Further, this court is unable to comprehend as to why charges are filed after 11 years in the cases registered under Section 397 IPC. When such enormous delay occurs, there is every likelihood for the witnesses to struggle for identifying the accused by recalling their memory, which may be taken advantage by the accused.

8. Such being the position, the petitioner, claiming that out of 33 cases, he had been granted bail in 30 cases, contends that he is a law abiding person and there is no likelihood of his abscondence in the event of grant of bail in the present case also. While it is the contention of the petitioner that he had been granted bail in 30 cases to construe that he would abide by law, the other side of the coin is that the petitioner appears to have been



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indulging into criminal activities as and when he comes out on bail. The scenario portrays the cat and mouse game being staged by the petitioner taking advantage of the delay on the part of the Police in proceeding with investigation, complying with NBWs and filing charge sheets and completing trial, which is highly deprecated.

9. Having heard the learned counsel for the petitioner, the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record including the details of the previous cases registered against the petitioner and considering the voluntary abscondence of the petitioner and taking note of his antecedents, this Court is not inclined to grant bail to the petitioner. Accordingly, the Criminal Original Petition stands dismissed.

30.01.2025

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To

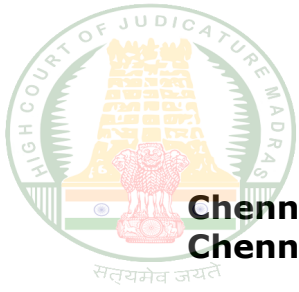
1. XV Additional Sessions Judge,
Chennai.
2. The Inspector of Police,
G2 Periamedu Police Station,
Chennai.
3. The Public Prosecutor,
High Court of Madras.

Note to office:-

A copy of this order be sent to

i) Director General of Police, Chennai.

ii) Commissioner of Police,



**Chennai City,
Chennai 600 008.**



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**iii) Inspector General of Police,
(North Zone),
Alandur,
Chennai 600 016 - for follow up action.**



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A.D.JAGADISH CHANDIRA., J.

ham/ssk

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