



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Monday, the Fourth day of December Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.16428 of 2017

1 SELVARAJ
2 RAJAN
3 GOPAL
4 VELU
5 RAJAN @ MOLLAIYAN
6 GURUVAN
7 SELVARAJ

... PETITIONERS / ACCUSED

Vs

THE STATE REPRESENTED THROUGH
THE INSPECTOR OF POLICE
PUTHUKADAI POLICE STATION,
NAGERCOIL DISTRICT
(CR.NO.206/2015)

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.R.KARUNANIDHI Advocate

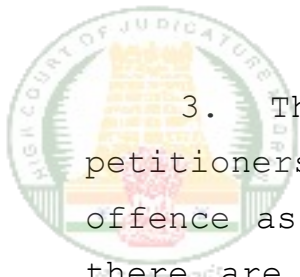
For Respondent : MR.K.ANBARASAN Government Advocate (Cr1. Side)

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who were arrested and remanded to judicial custody on 17.06.2017, 30.06.2017, 08.07.2017 and 22.06.2017, for the alleged offences punishable under Sections 120(B), 414, 394 and 450 of IPC., in Crime No.206 of 2015, on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioners are habitual offender and all of them entered into the defacto complainant's house and attacked the defacto complainant and committed a theft of 17 gold sovereigns, worth about Rs.1,95,000/-, thereby, the respondent police registered a case against the petitioners.



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3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submitted that there are 11 cases are foisted against the petitioners. Out of which, the 5 cases were ended in acquittal, remaining six cases were pending against them. This is a false case against them. Thereafter, the petitioners filed a Habeas Corpus Petition before this Court. This Court found that all these persons were detained illegally by the Law Enforcing Agency. However, the Law Enforcing Agency submitted before the Division Bench of this Court that the petitioners/detenues were illegally detained and they were not torture at all. After recording the statement of the Law Enforcing Agency, the Habeas Corpus Petition was closed and further stated that it is open to the petitioner and other detenues to work out their remedy in the manner known to law. Therefore, the learned counsel prays for bail to the petitioners.

4. The learned Government Advocate (Crl.side) appearing for the State submitted that though the petitioners were arrested on different dates in the year 2016, the Law Enforcing Agency filed a charge sheet before the Competent Court. There are 11 cases are pending against them.

5. In view of the above, considering the pendency of the criminal cases against the petitioners, I am not inclined to grant bail. However, I am inclined to issue a direction to the lower Court to complete the trial within a period of seven months from the date of receipt of a copy of this order.

sd/-
04/12/2017

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO

1 THE SESSIONS JUDGE, KANYAKUMARI DISTRICT AT NATERCOIL

2 THE JUDICIAL MAGISTRATE NO.II, KULITHURAI,
KANYAKUMARI DISTRICT.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
KANYAKUMARI DISTRICT AT NAGERCOIL

4 THE INSPECTOR OF POLICE
PUTHUKADAI POLICE STATION, NAGERCOIL DISTRICT

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

6 THE OFFICER INCHARGE, DISTRICT JAIL, NAGERCOIL.

+1. CC to M/S.R.KARUNANIDHI Advocate SR.No.35507

GJM/PN/SAR-I-11.12.2017-3P-8C

ORDER

IN

CRL OP(MD) No.16428 of 2017

Date :04/12/2017