

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No. 25416 of 2017

1. Sadiq @ Sadiq Basha
2. Muthagir @ Mohammed Muthagir .. Petitioners

Vs.

The State by
The Assistant Commissioner of Police,
Ambattur Circle,
Ambattur, Chennai -600 053
(Crime No. 746 of 2-14)
T-2 Ambattur Estate Police Station
Cennai) ..Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records in the order dated 10.11.2014 in Cr.MP. No. 4262 of 2014 on the file of the Principal Sessions Court, Thiruvallur District and quash the same (now pending in C.c. No. 1 of 2016 on the file of the Special Court for exclusive trial of Bomb Blast Cases, Poonamallee, Chennai) and grant bail to the petitioners.

For Petitioners : M/s. P.Pugalenthi

For Respondent : Mr. M. Mohamed Riyaz,
Addl. Public Prosecutor,

ORDER

The prayer in the present petition is to call for the records in the order dated 10.11.2014 in Cr.MP. No. 4262 of 2014 on the file of the Principal Sessions Court, Thiruvallur District and quash the same (now pending in C.c. No. 1 of 2016 on the file of the Special Court for exclusive trial of Bomb Blast Cases, Poonamallee, Chennai) and grant bail to the petitioners.

2. Heard both sides and perused the materials available on record.

3. On a perusal of records, it is seen that the first petitioner was arrested on 07.08.2014 and remanded to judicial custody on 08.08.2014 in Cr. No. 746 of 2014 and the second petitioner was arrested on 08.08.2014 and the remanded to judicial custody on 08.08.2014 in the said case. After period of 90 days, both the petitioners have approached the Principal District and Sessions Judge, Tiruvallur for bail in Cr,MP. No. 4262 of 2014 and the same was dismissed by the learned Principal District and Sessions Judge, Tiruvallur, by an order dated 10.11.2014 by observing *"The learned Public Prosecutor has filed a petition on 16.10.2014 under 43 (D) of the UAP Act seeking extension of the time for investigation and the same has been allowed by this Court, extending time of investigation by a further period of three months. Under the above circumstances the petition filed under Section 167(2) of Cr.PC cannot be entertained. Hence the petition is dismissed."* To quash said order of the learned Principal District Judge, Tiruvallur, the petitioners have filed the present petition.

4. It is also seen that pending this Petition, the petitioner have again approached the trial Court viz., The Principal District Judge, Tiruvallur in CrI.MP. No. 832 of 2019 to enlarge them on bail under Section 167(2) Cr.PC and the same was also dismissed by the learned Principal District Judge, Tiruvallur by an order dated 02.03.2019.

5. In view of the same, the present petition has become infructuous and accordingly, dismissed. However, the petitioners are at liberty to file petition before this Court seeking bail.

11.03.2019

Index : Yes/No
Internet : Yes/No
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Note : Issue a copy of this order on 12.03.2019

To

1. The Assistant Commissioner of Police,
Ambattur Circle,
Ambattur,
Chennai -600 053

2. The Public Prosecutor
High Court, Madras.

G.K.ILANTHIRAIYAN, J.,

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Crl.O.P.No. 25416 of 2017

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