

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Seventeenth day of October Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice M. SATHYANARAYANAN

and

The Hon`ble Mr Justice M. NIRMAL KUMAR

CRIMINAL ORIGINAL PETITION No.27976 of 2019

K.RAJARAM

[PETITIONER / ACCUSED]

Vs

STATE REP BY

[RESPONDENT]

INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
DHARMAPURI,
DHARMAPURI DISTRICT.
CR.NO. 1 OF 2018.

For Petitioner : M/S.R.RADHA PANDIAN Advocate

For Respondent : MR.R.PRATHAPKUMAR, ADDITIONAL PUBLIC PROSECUTOR

For Intervener : M/S.A.ILAYA PERUMAL, ADVOCATE

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

[Order of the Court was made by M.SATHYANARAYANAN, J.,]

The petitioner is arrayed as A-4 and he was arrested and remanded to judicial custody on 10.08.2019 in Cr.No.1 of 2018 registered by the Inspector of Police, District Crime Branch, Dharmapuri for the alleged commission of offences under Sections 120-B, 465, 468, 471, 420 and 109 IPC. The application for bail filed by the petitioner in CrI.O.P.No.23993 of 2019 came to be dismissed by this Court, vide order dated 01.10.2019. The petitioner has filed the petition for statutory bail in a standardised format through the Counsel namely Mr.R.Ayyanar, Salem (Enrol No.824/2008) under Section 167(ii) CrPC and it was returned by the learned Judicial Magistrate No.II for the reason that the case in CrI.O.P.No.15781 of 2018 was pending before this Court and the bail application shall be filed before this Court.

2. The learned counsel appearing for the petitioner has drawn the attention of this Court to Section 167 (ii) (A) Cr.P.C and would submit that since bail is a right granted to the accused, in the event of non filing of the final report before the stipulated period and therefore, he is entitled to bail and the learned Judicial Magistrate has committed an error in returning the application. It is

a well settled position of law that the right to get bail in the absence of filing of the charge sheet within a stipulated time, is a right guaranteed to the accused. Though this Court seized up the matter and passes orders, there is no bar on the part of the Judicial Magistrate-II, Dharmapuri to entertain the application for statutory bail, if the papers are otherwise in order.

3. In the result, there shall be an order of direction directing the Court of Judicial magistrate No.II, Dharmapuri to entertain the application for statutory bail in S.R.No.6401 dated 09.10.2019, if the papers are otherwise in order and the said Court shall give disposal to the said petition in accordance with law as expeditiously as possible.

4. This Criminal Original Petition is disposed of accordingly.

-sd/-
17/10/2019

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 DISTRICT JUDGE
DHARMAPURI.

2 THE JUDICIAL MAGISTRATE,
NO.II, DHARMAPURI.

3 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI [FOR INFORMATION]

4 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
DHARMAPURI,
DHARMAPURI DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE ADDITIONAL DIRECTOR GENERAL
OF POLICE (LAW AND ORDER), CHENNAI.

7 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

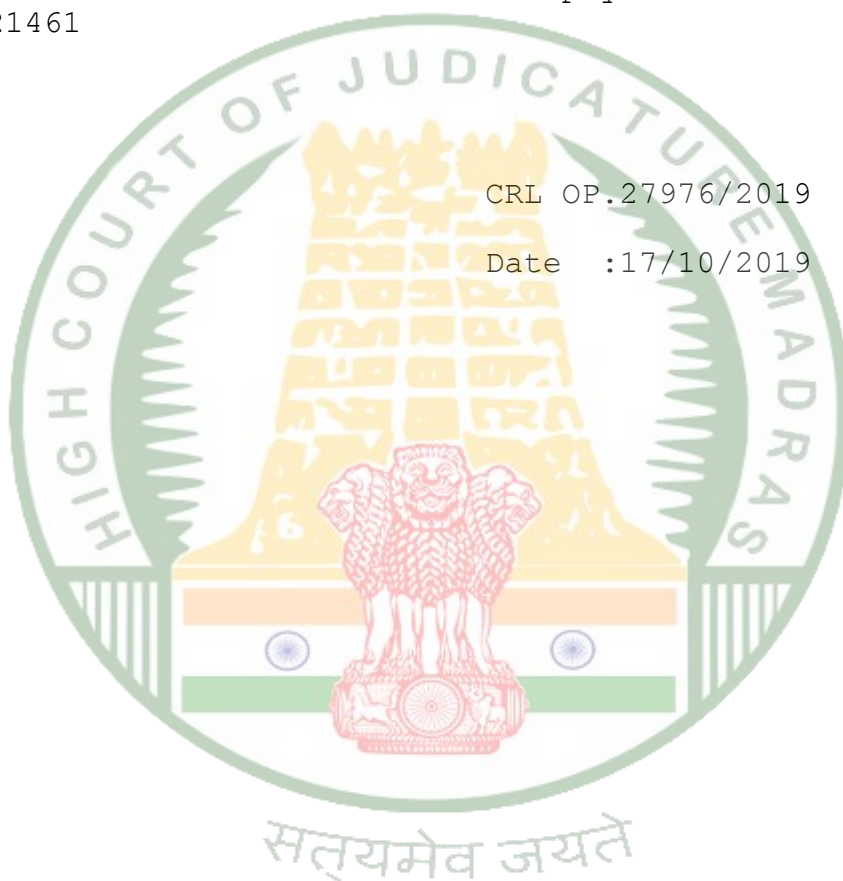
+2 CC to M/S.R.RADHA PANDIAN Advocate on payment of necessary
charges SR.No.21451

+1 CC to M/S.A.ILAYA PERUMAL Advocate on payment of necessary
charges SR.No.21461

CRL OP.27976/2019

Date :17/10/2019

cs 22/10/2019



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