

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Sixteenth day of March Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.5756 of 2020

1 RAJENDAR KUMAR
2 SUNIL KUMAR

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
INSPECTOR OF POLICE,
RAILWAY POLICE CENTRAL POLICE STATION,
CHENNAI
(CRIME NO. 1013/2019)

[RESPONDENT]

For Petitioner : M/S.MANOJKUMAR Advocate

For Respondent : MR.K.PRABAKAR ADDL. PUBLIC PROSECUTOR

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order:-

The petitioners, who were arrested and remanded to judicial custody on 06.01.2020 for an offence punishable under Section 379 IPC **in Crime No.1013 of 2019** on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 28.11.2019, when the defacto complainant along with her husband was travelling in train, the petitioners along with other accused, committed theft of 39 sovereigns of gold jewels from her. Hence the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He further submitted that the petitioners have been suffering incarceration from 06.01.2020. Hence, he sought for grant of bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioners belong to Haryana and Delhi. The petitioners along with other accused committed theft of 39 sovereigns of gold jewels from the defacto complainant when she was traveling in a train. The incident happened on 28.11.2019 and after a great difficulty, the respondent have arrested these accused. Apart from these two accused, three other accused have been arrested. He further submitted that the investigation is completed and the case is taken on file in C.C.No.344 of 2020 on the file of Metropolitan Magistrate-16, George Town,

Chennai and that the case stands posted for framing charges on 20.03.2020. He would further submit that there are 15 witnesses in this case. Since, the petitioners are from Haryana and Delhi, if they are let out on bail, they may abscond. Only if the petitioners are available during trial, the respondents could be able to conduct the trial at the earliest and complete it within a period of three months. Hence, he opposed to grant bail to the petitioners.

5. Considering the nature of offence and the fact that the case is posted for framing charges, this Court is not inclined to grant bail to the petitioners at this stage. Accordingly, this petition is dismissed.

-sd/-
16/03/2020

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 STATE REP BY
INSPECTOR OF POLICE, RAILWAY POLICE CENTRAL
POLICE STATION, CHENNAI (CRIME NO.
1013/2019)

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAR

+1 CC to M/S.MANOJKUMAR Advocate on payment of necessary charges
SR.NO. 5322

CRL OP.5756/2020

Date :16/03/2020

RD 22/05/2020