

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.08.2020

CORAM

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

Crl.O.P.Nos.7769 and 9845 of 2020

Madhavan

... Petitioner in both petitions

Vs.

The State Represented by, ... Respondent in both petitions
The Station House Officer,
Sethiyathope Police Station,
Vellore District.
Crime No.232 of 2016
S.C.No.233 of 2017

COMMON PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in the event of their arrest pending committal in P.R.C.No.13 of 2017 on the file of the Chief Judicial Magistrate No.I, Chidambaram in Crime No.232 of 2016.

For Petitioner : Mr. R. Gokulakrishnan
in both petitions

For Respondent : Mr. T. Shunmugarajeswaran,
Government Advocate (Crl.Side)
in both petitions

COMMON ORDER

(This case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 392, 397, 506(ii) and 347 of IPC, in Crime No.232 of 2016, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that it is a case of jumped bail. The petitioner was earlier granted bail in Crime No.232 of 2016 registered by the Inspector of Police, Sethiyathope Police Station. Thereafter, the petitioner was

also involved in another case which was pending in C.C.No.74 of 2011 on the file of the Judicial Magistrate-II, Ariyalur and the learned Judicial Magistrate-II, Ariyalur had issued Non Bailable Warrant against the petitioner following which, the petitioner surrendered before the Court and filed a petition to recall the warrant. Whereas, the learned Judicial Magistrate-II, Ariyalur, dismissed the same and remanded the petitioner into the judicial custody. Thereafter, on P.T. Warrant, the petitioner was produced before the Additional Sessions Court, Chidambaram in this case in S.C.No.233 of 2017.

3. The learned Counsel for the petitioner would submit that the petitioner was earlier granted bail. Thereafter, without any summons being issued to him, the petitioner was arrested on P.T. Warrant and produced before the Court. He would submit that in all other cases, he has been granted bail. Hence, he seeks for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would submit that the petitioner is involved in five cases of similar in nature relating to the property offences and that he has been convicted in two cases and three cases are pending trial. He would submit that the petitioner was absconding for a long time and thereafter, he surrendered before the learned Judicial Magistrate-II, Ariyalur in connection with C.C.No.74 of 2011 to recall NBW issued against him. But the same was dismissed and the petitioner was remanded to judicial custody and thereafter, he was produced before the Additional Sessions Court, Chidambaram in S.C.No.233 of 2017 on P.T.Warrant. He would submit that the petitioner is an habitual offender and the case in S.C.No.233 of 2017 is at the stage of framing charges and there are totally 17 witnesses in this case and that a direction may be given to be Judicial Magistrate to complete the trial within a specific period after lifting of lockdown.

5. Taking into account that the petitioner is a habitual offender and involved in several cases and that a case in S.C.No.233 of 2017 is at the stage of framing of charges this Court is not inclined to grant bail to the petitioner.

6. However, the learned Additional Sessions Judge, Chidambaram, is directed to complete the trial in respect of S.C.No.233 of 2017 preferably within a period of six months from the date of lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier.

7. With the above direction, this Criminal Original Petitions are disposed of.

-sd/-
13/08/2020

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 THE JUDICIAL MAGISTRATE NO.I,
CHIDAMBARAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE. [FOR INFORMATION]

3 THE JUDICIAL MAGISTRATE-II,
ARIYALUR

4 THE CHIEF JUDICIAL MAGISTRATE
ARIYALUR. [FOR INFORMATION]

5 THE ADDITIONAL SESSIONS JUDGE,
CHIDAMBARAM,

6 THE STATION HOUSE OFFICER,
SETHIYATHOPE POLICE STATION,

7 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

8 THE SUPERINTENDENT,
CENTRAL PRISON, TIRUCHIRAPALLI.

CC to M/S.R.GOKULAKRISHNAN Advocate on payment of necessary charges

CRL OP.7769 & 9845/2020

Date :13/08/2020

TA-15/09/2020