

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.06.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.7881 of 2020

A. Parameshwaran

... Petitioner / Accused No.1

Vs.

State rep.by

The Inspector of Police,
Erode Town Police Station,
Erode.

Crime No.618 of 2010

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C., praying, to enlarge the petitioner /accused on bail pending investigation in Crime No.618 of 2010 on the file of the respondent police.

For Petitioner : Mr.M.Venkatachalam

For Respondent : Mr.S.Karthikeyan,
Additional Public Prosecutor

O R D E R

The petitioner (A1), who was arrested and remanded to judicial custody on 06.05.2010 for the offences punishable under Sections 379 of IPC in Crime No.618 of 2010 was initially granted bail and later due to non compliance of bail conditions, he was arrested on 22.11.2019 and hence, he now seeks bail before this Court.

2. The case of the prosecution is that on 06.05.2010 at 3.30 a.m., the petitioner was driving the car bearing Registration No.TN 39 U 6435. At that time, the respondent police have stopped the Car and questioned the petitioner and sought documents pertaining to the said Car. The petitioner was unable to furnish proper documents and details and later it came to know that the Car was stolen by the petitioner.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he is no way connected to this case. Further, the property involved in this case has already been recovered. Further, he would submit that the petitioner has preferred bail petitions before the learned Principal District and Sessions Judge, Erode in Crl. M.P. Nos.327 of 2020 and 328 of 2020, which was dismissed on 26.02.2020. Further, the learned Judge has also given a direction to the learned Judicial Magistrate II, Erode to dispose of the cases in C.C. Nos.12/2013 and 242/2009 on or before 15.03.2020 and also to submit a report. However, the said cases have not be disposed of within the period stipulated. Therefore, the second bail petition for Crime No.12 /2013 has been preferred and the same was dismissed by the learned Principal Sessions Judge, Erode on 17.04.2020. Subsequently, the petitioner moved the bail petition before this Court in Crl. OP No.7574 of 2020 and the same was dismissed on 14.05.2020. Hence, he filed this petition before this Court.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the case is of the year 2010. In short, he submitted that the Car bearing Regn. No.TN 39 U 6435 was driven by the petitioner and at the time of routine patrol, the respondent police enquired the petitioner for documents. For which, he has replied in a contradictory manner and he could not produce any documents pertaining to the said Car. Subsequently, he was arrested and the said Car was seized. Initially, the petitioner was granted bail and charge sheet was also filed. From the year 2015, the petitioner has absconded himself. Due to non compliance of bail conditions, NBW was executed. Thereafter, with great difficulty, the petitioner was remanded to judicial custody on 22.11.2019 in relation to C.C. Nos.12/2013 and C.C. No.242 of 2009 on the file of the learned Judicial Magistrate Court - II, Erode. Now, the case is pending for examination of the Investigating Officer. Due to the pandemic situation of Covid - 19, the case could not be progressed. Now, the Courts in Erode district have lifted the lock down and the trial of this case would be completed within a time frame to be fixed by this Court. In this scenario, if the petitioner is granted bail, he would abscond and the trial of C.C. Nos.12/2013 and 242/2009 would be stalled. Hence, he vehemently oppose for grant of bail to the petitioner.

5. Heard the submissions made by either side and perused the materials placed before this Court.

6. On perusal of documents, it is clear that this Court, by order dated 14.05.2020, dismissed the said Criminal Original Petition by taking into account of the bad antecedents of the petitioner, In the aforesaid order, this Court has also recorded the submissions of the learned Additional Public Prosecutor appearing for the respondent that due to non appearance of the petitioner, NBW was issued. Further, the Investigating Officer and other witnesses have been examined.

Now, the lock down lifted and the Court below has commenced its functioning. At this situation, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition stands dismissed. Considering the year of the case, this Court directs the learned Judicial Magistrate II, Erode to give top priority to complete the trial, preferably within a period of two months from the date of receipt of a copy of this order.

7. With the above directions, this Criminal Original Petition stands dismissed.

-sd/-

10/06/2020

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 PRINCIPAL SESSIONS JUDGE,
ERODE.

2 THE JUDICIAL MAGISTRATE NO.II,
ERODE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ERODE TOWN POLICE STATION,
ERODE DISTRICT

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

CRL OP.7881/2020

Date :10/06/2020

MK:10/11/2020