

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.08.2020

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.OP.Nos.11167, 11168 & 11169 of 2020

Islamudeen

... Petitioner in all Crl.OPs.

Vs.

The State represented by,  
The Inspector of Police,  
E-2, Peelamedu Crime Police Station,  
Coimbatore District.  
(Crime Nos.1747, 1735 & 1737 of 2017)

... Respondent in all Crl.OPs.

Prayer: Criminal Original Petitions filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in 1747, 1735 & 1737 of 2017 on the file of respondent police.

For Petitioner : Mr.N.Manokaran

For Respondent : Mr.T.Shunmugarajeswaran  
Government Advocate (Crl. Side)

C O M M O N    O R D E R

(The case has been heard through video conference)

The petitioner seeks bail for the offences punishable under Sections 457, 380 r/w 120B of IPC and 25(1B)(a) of Arms Act, 1959, in Crime Nos.1747 & 1735 of 2017 and for the offences punishable under Sections 457, 380 r/w 511 IPC and later altered to offences under Sections 457, 380 r/w 511 r/w 120B IPC and 25(1B)(a) of Arms Act, 1959 in Crime No.1737 of 2017 on the file of the respondent police.

2. The case of the prosecution as per the *de facto* complainant is that the petitioner and other accused broke open the ATM Machine and committed the theft of Rs.26,70,200/- and Rs.3,35,000/- respectively.

3. The learned counsel for the petitioner would submit that the petitioner is in custody from 02.02.2018 and that joint trial has been conducted in C.C.Nos.66 of 2018, 70 of 2018, 93 of 2018 and 1005 of 2019 and that he is inside for more than 2 ½ years.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that these petitions are connected with Crl.OP.No.11042 of 2020, which was filed by the connected accused in Crime No.1747 of 2017. He would further submit that as far as this petitioner is concerned, there are 51 previous cases of similar property offences spread across various States throughout the Country. The petitioner was also convicted in a similar offence for 10 years Rigorous Imprisonment by a Court in Trichur, Kerala State. He would submit that joint trial has been conducted in respect of C.C.Nos.66 of 2018, 70 of 2018, 93 of 2018 and 1005 of 2019 by the learned Judicial Magistrate-II, Coimbatore and that out of 65 witnesses, 64 witnesses have been examined and only I.O remains to be examined. At this stage, if the petitioner is granted bail, there is a chance of abscondance and the entire trial will be derailed. He would submit that the petitioner was arrested with a great difficulty.

5. Taking into consideration the submissions made by the learned counsel on either side and that the trial in all the cases is at the fag end, this Court is not inclined to grant bail. However, a direction is issued to the learned Judicial Magistrate-II, Coimbatore, to complete the trial as expeditiously as possible, preferably, within a period of three (3) months from the date of lifting of lockdown or normal functioning of the Court, whichever is earlier.

6. With the above directions, this Criminal Original Petitions are dismissed.

-sd/-  
05/08/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

WEB COPY

Sub-Assistant Registrar (Statistics/C.S.)  
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE-II,  
COIMBATORE

2 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

<https://hcservices.ecourts.gov.in/hcservices/>

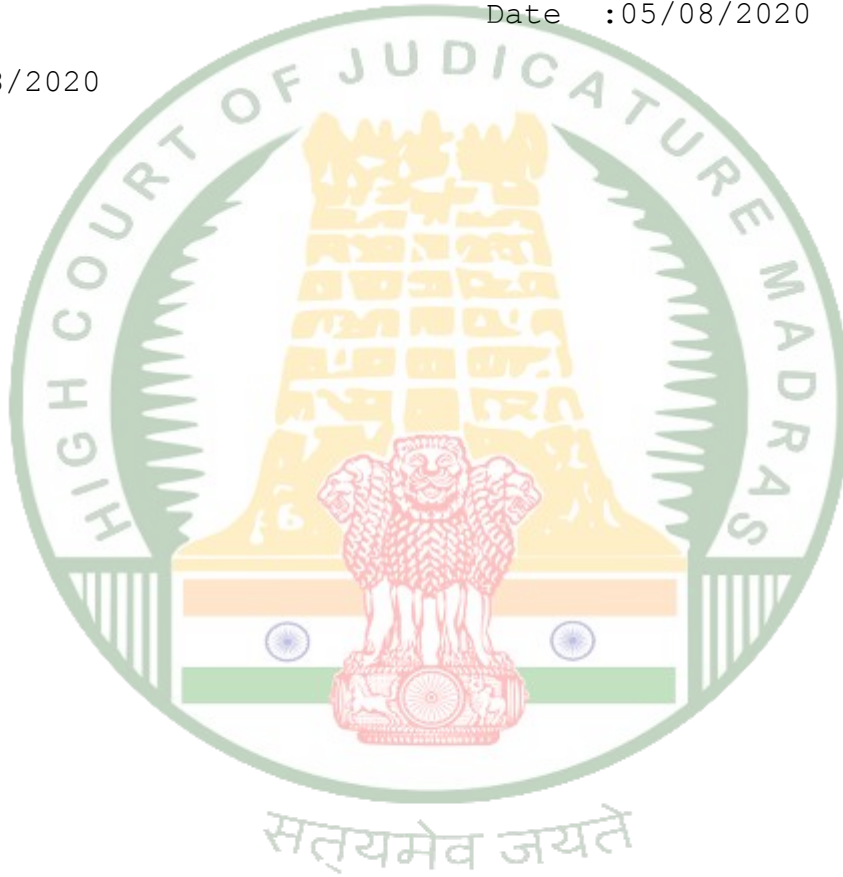
3 THE INSPECTOR OF POLICE,  
E-2, PEELAMEDU POLICE STATION,  
COIMBATORE DISTRICT

+3 CC to M/S. N.MANOKARAN Advocate on payment of necessary  
charges SR.NO'S 5874,5875,5876

CRL OP.11167,11168 & 11169 of 2020

Date :05/08/2020

GKS (TA) :13/08/2020



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