

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.08.2020

CORAM :

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

Crl.O.P.No.11219 of 2020

K.Mahendiran S/o.Kanakaraj

... Petitioner

Vs.

State Rep. by the Inspector of Police
Moolanur Police Station
Tiruppur District
(Crime No.10 of 2017)

.... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in C.C.No.147 of 2017 pending trial on the file of the learned Judicial Magistrate, Dharapuram, Tiruppur District.

For Petitioner : Mr. E.Kannadasan

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

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 13.08.2018 for the offences punishable under Section 392 r/w 34 IPC, in Crime No.10 of 2017, seeks bail.

2. The facts of the case is that on 07.01.2017 the petitioner along with yet another accused committed robbery of cell phone and Thali Saradu from the defacto complainant and escaped from the scene of occurrence.

3.The learned counsel appearing for the petitioner would submit that the petitioner was originally granted bail and after coming out of the bail, three false cases in Crime No.81 of 2017, Crime No.110 of 2018, and Crime No.213 of 2019 were foisted against him and he is in judicial custody from 13.08.2018. He would further submit that the petitioner was detained under Act 14 by the proceedings of the District Collector, Karur and the same was quashed vide order dated 02.07.2020 in H.C.P.(MD),No.1078 of 2019. He would further submit that the petitioner is lingering in the prison from 13.08.2018.

4.The learned Government Advocate (Criminal Side) would submit that apart from this case, the petitioner has involved in 12 other

cases of similar nature. He would further submit that since the other accused has absconded, the respondent police are unable to serve summons on them. He would further submit that a final report has been filed and the case has been taken cognizance in C.C.No.147 of 2017, before the learned Judicial Magistrate, Dharapuram.

5.Taking into consideration of the facts and circumstances and also considering the fact that the petitioner has 12 previous cases of similar nature, this Court is not inclined to grant bail to the petitioner. Since the petitioner is in custody from 13.08.2018, I am inclined to direct the learned Judicial Magistrate, Dharapuram to split up the case against the petitioner and complete the trial preferably within a period of three months from the date of lifting of lock down.

6.With the above direction, this Criminal Original Petition stands dismissed.

-sd/-

04/08/2020

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,
DHARAPURAM

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
MOOLANUR POLICE STATION,
TIRUPPUR DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY

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

CRL OP.11219/2020

Date :04/08/2020