

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

Crl.O.P.No.15172 of 2020

Rajendar Kumar

... Petitioner

Vs.

State Rep. by
Inspector of Police,
Railway Police / Chennai Central Police Station
Chennai

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 Cr.P.C., to enlarge the petitioner on bail in C.C.No.344 of 2020, pending on the file of the learned XVI Metropolitan Magistrate George Town at Chennai.

For Petitioner : Mr.U.Jugal Kumar

For Respondent : Ms.S.Thankira
Government Advocate (Crl.Side)

ORDER

(This case has been heard through video conference)

The petitioner, who was arrested and remanded to the Judicial Custody on 06.01.2020, for the offences punishable under Section 379 IPC, r/w. 34 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 petitioner along with other accused had committed theft of 39 sovereigns of gold jewellery from her. Hence the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner is suffering incarceration from 06.01.2020.

4.Counter has been filed by the learned Government Advocate (Crl. Side) and she has submitted that this is the 4th application for bail. This Court had earlier dismissed the bail application filed by the petitioner on 16.03.2020 in Crl.O.P.No.5756 of 2020 on merits, thereafter the petitioner has moved this Court in Crl.O.P.No.10841 of 2020 dated 22.07.2020 which has been suppressed by the petitioner and again filed a bail application in Crl.O.P.No.10762 of 2020 dated 13.08.2020 and both the petitions were withdrawn by the petitioner.

5.She would further submit that the petitioner belongs to Haryana. The petitioner along with other accused committed theft of 39 sovereigns of gold jewels from the defacto complainant when she was travelling in a train. The incident happened on 28.11.2019 and after a very great difficulty, the respondent police have arrested the petitioner along with four other accused. She would further submit that the petitioner is a habitual offender and has involved in 14 other cases, which have been registered for the similar nature of offences in various police stations viz., 4 cases have been registered in Vijayawada, another one in Chirala Railway Police Station, another one from Rajamahendravaram Police Station, two cases from Bhimavaram Police Station, another from Gundur Police Station, another one from Visakapattinam Police Station, another one from Guduwada Railway Police Station and three cases from Chennai Central Railway Police Station.

6.She would further submit that the investigation is completed and the case is taken on file in C.C.No.344 of 2020 on the file of the Metropolitan Magistrate XVI, George Town, Chennai. The trial court has posted this matter on 08.10.2020 for trial and there are totally nine witnesses in this case. She would further submit that if the petitioner is let on bail, there is every chance of him getting absconded and would derail the process of trial.

7.In the light of the above submissions made by the learned Government Advocate and considering the fact that the petitioner is a habitual offender, who has been involved in 14 other cases of similar nature and the case is also ripe for trial and listed on 08.10.2020, this Court is not inclined to grant bail to the petitioner.

8.This Criminal Original Petition stands dismissed accordingly.

-sd/-

25/09/2020

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 METROPOLITAN MAGISTRATE
NO.XVI, GEORGE TOWN, CHENNAI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE,
RAILWAY POLICE, CHENNAI
CENTRAL POLICE STATION, CHENNAI.

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

4 THE SUPERINTENDENT,
CENTRAL PRISON, JODHPUR

CC to M/S. U.JUGAL KUMAR Advocate on payment of necessary
charges

CRL OP.15172/2020

Date :25/09/2020

RVR 07/10/2020



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