

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.10.2020

CORAM :

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

CRL.O.P.No.15909 of 2020

SHANMUGAM

... Petitioner/ Accused

Vs.

STATE BY

... Respondent /Complainant

The Sub Inspector of Police,
K.V.Kuppam Police Station,
K.V.Kuppam Taluk,
Vellore District.
Crime No.560 of 2020.

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.560 of 2020 pending on the file of the respondent police.

For Petitioner : Mrs.S.P.Arthi

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

ORDER

(The cases have been heard through video conference)

When the matter was taken up for hearing, the learned Counsel for the petitioner seeks permission of this court to withdraw the petition.

2. At this juncture, the learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner is a habitual offender against whom there are eight previous cases. The details are as follows:

S.No	Police Station	Crime No.	Section	Stage
1.	KV Kuppam Police Station	80 / 2020	4(1) K TNP Act	UI
2.	KV Kuppam Police Station	408 / 2019	4(1) K TNP Act	UI
3.	PEW / Gudiyattam	489 / 2020	4(1) K TNP Act	UI
4.	PEW / Gudiyattam	441 / 2020	4(1) K TNP Act	UI
5.	PEW / Gudiyattam	363 / 2020	4(1) K TNP Act	UI
6.	PEW / Gudiyattam	453 / 2019	4(1) a TNP Act	UI
7.	PEW / Gudiyattam	53 / 2018	4(1) K TNP Act	UI
8.	PEW / Gudiyattam	451 / 2017	4(1) a TNP Act	UI

He would further submit that the petitioner was arrested on 25.08.2020 and while the bail application of the petitioner was pending before this court, the petitioner by suppressing the pendency of the bail petition before this court, has moved another application before the Principal Sessions Court, Vellore in C.M.P.No.2317 of 2020 and obtained bail by order dated 13.10.2020 and that the respondent had not brought it to the knowledge of the learned Principal Sessions Judge about the pendency of the bail application before this court.

3.Heard the counsels.

4.It is the duty of the respondent police to bring it to the knowledge of the concerned Sessions Judge about the antecedents and the pendency of the bail application before the High Court. Whereas, the respondent has willfully and deliberately failed to instruct the Sessions Court about the antecedents and the pendency of the bail application before this Court to favour the accused. Hence, the Superintendent of Police, Vellore is hereby directed to conduct an enquiry and take appropriate action against the respondent for having wilfully suppressed the facts before the Sessions Court to favour the accused.

5. Further, the learned Principal Sessions Judge, Vellore is also directed to conduct an enquiry whether the petitioner had disclosed the information about the pendency of the bail application before this Court in the bail application before the Principal Sessions Court in Crl.M.P.No.2317 of 2020 dated 13.10.2020. If the second bail application in Crl.M.P.No.2317 of 2020 has been filed suppressing the pendency of the bail petition before this Court, the learned Principal Sessions Judge is hereby directed to initiate suitable proceedings for cancelling the bail

obtained by fraud, misrepresentation and suppression.

5. With the above directions, this Criminal Original Petition stands disposed of.

-sd/-

28/10/2020

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 DISTRICT SESSIONS JUDGE,
VELLORE.

2 THE SUPERINTENDENT OF POLICE,
VELLORE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE,
K.V.KUPPAM POLICE STATION,
K.V.KUPPAM TALUK,
VELLORE DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL JAIL, VELLORE.

6 THE SECTION OFFICER,
CRIMINAL SECTION,
HIGH COURT, MADRAS.

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

WEB COPY

CRL OP.15909/2020

Date :28/10/2020

TA-04/11/2020