

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.12.2020

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No. 18448 of 2020

Manikandan @ Lokesh

... Petitioner/4th Accused

Vs.

The State represented by,
The Inspector of Police,
Mangadu Police Station,
Chennai.

.... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No. 1273 of 2020, on the file of the respondent police.

For Petitioner : Mr.T.Arul

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 26.08.2020 for the offences punishable under Section 302 of IPC in Crime No.1273 of 2020 on the file of the respondent police, seeks bail.

2.The learned counsel appearing for the petitioner would submit that the petitioner has already filed statutory bail application before the concerned Judicial Magistrate. On 30.11.2020, it was mentioned before this Court that the charge sheet is yet to be filed in this case.

3.The learned Government Advocate submitted that the investigation in this case is almost completed, except for receipt of chemical analysis report. It was further submitted that the petitioner has got bad antecedents and involved in two other cases in SRMC police station out of which one case is in Crime No. 164 of 2019 for the offence under Section 392 and another case is in Crime No.167 of 2019 for the offence under Section 302 of IPC. In view of the fact that the petitioner has been involved in two serious offences, this Court sought for explanation for the delay in completion of the

investigation. The Inspector of Police Mr.Thiyagarajan, T-14 Mangadu Police Station, Chennai filed status report today. From the status report dated 02.12.2020, it is seen that the petitioner was released on bail by the lower Court under Section 167(2) of Cr.P.C, in CrI.M.P.No.1528 of 2020, by the learned Judicial Magistrate, Sriperumbudur. He would further submit that there are totally five accused in this case and all the accused were arrested and remanded to the judicial custody and this petitioner is arrayed as third accused. He would submit that the investigation was completed on 01.11.2020 and the charge sheet was produced before the Deputy Director of Prosecution, Kancheepuram, for his approval and still, the approval is yet to be obtained and that is the reason for the delay in filing charge sheet despite completing investigation within stipulated time. The statutory period of 90 days gets completed on 25.11.2020.

4.This Court finds that in this case the investigation has been completed and charge sheet submitted for approval of the Deputy Director of the Prosecution, Kancheepuram on 01.11.2020 itself. The Deputy Director of Kancheepuram should be aware that the statutory period for filing charge sheet is only few days away. Despite the same, till today approval has not been given and the petitioner who has got two previous cases of serious nature, has been granted statutory bail.

5.In view of the same, the Deputy Director of Prosecution, Kancheepuram, is directed to give his explanation for the delay in giving approval from 01.11.2020, he has to give his explanation for each day delay by way of affidavit and the respondent police is directed to inform this order to the Deputy Director of Prosecution.

6.The Investigating Officer to file an affidavit what steps he has taken to remind the Deputy Director about the urgency and necessity to file the charge sheet within the statutory period. So that the accused can be kept in confinement and it would be difficult for the accused to obtain bail on merits. Keeping the accused in confinement and completing the trial would avoid delay in process of justice.

7.In view of the same, this Court finds it is appropriate to find the reason for delay. So that in future such delay do not occur. The Investigating Officer and the Prosecution are to be sensitized in this regard.

-sd/-
04/12/2020

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

TO

1 THE JUDICIAL MAGISTRATE,
SRIPERUMBUDUR.

2 THE CHIEF JUDICIAL MAGISTRATE,
CHENGALPET [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON,
PUZHAL, CHENNAI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
MANGADU POLICE STATION, CHENNAI.

6 THE DEPUTY DIRECTOR OF THE PROSECUTION,
KANCHEEPURAM.

7 THE DIRECTOR GENERAL OF POLICE,
CHENNAI.

8 THE DIRECTOR OF PROSECUTION,
CHENNAI.

9 THE DEPUTY DIRECTOR OF PROSECUTION,
POONAMALLEE.

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

CRL OP.18448/2020

Date :04/12/2020

cs 14/12/2020

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