

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.12.2020

CORAM :

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

CRL.O.P.No.20576 of 2020

M.Kishore

... Petitioner

Vs.

The Inspector of Police
Kaaramadai Police Station
Coimbatore District
(Crime No.132 of 2019)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in C.C.No.166 of 2020 in Crime No.132 of 2019 on the file of the learned Judicial Magistrate Court, Mettupalayam, pending trial.

For Petitioner : Mr.B.Thiyagarajan

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

O R D E R

(The cases have been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 03.04.2020 for the offence punishable under Section 392 IPC, in Crime No.132 of 2019 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant Uma Mahaeswari is that on 02.05.2019, while she was going for a walk around 7 a.m., two unknown persons, who had come in a motor cycle had snatched her THALI chain.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case and this is the third application for bail and the earlier bail applications were dismissed by this Court vide Crl.O.P.No.12781 of 2020 by order dated 21.08.2020 and Crl.O.P.No.14988 of 2020 by order dated 28.09.2020. Even as per the defacto complainant, the accused are unknown persons and the petitioner is no way connected with this crime and that the petitioner has been suffering incarceration for more than eight months from 03.04.2020. Hence, he prays for grant of bail.

4. The learned Government Advocate (Crl. Side) would vehemently oppose stating that the petitioner is a habitual offender and his profession is chain snatching and that he is having 11 previous cases, out of which 9 cases are for chain snatching and two cases are for house breaking and that all the cases are pending trial. He would submit that now the investigation is completed in this case and the case has been taken on file in C.C.No.166 of 2020 on the file of the learned Judicial Magistrate, Mettupalayam. He would further submit that there are 12 witnesses in this case and if direction is given to the trial Magistrate, he would be able to complete the trial at the earliest.

5. Heard the learned counsel on either side. Perused the documents placed on record.

6. Taking into consideration the facts and submissions made by the learned counsels and the fact that the petitioner is a habitual offender against whom there are 11 previous cases and that the final report has been filed in this case and the same has been taken on file, this Court is not inclined to grant bail to the petitioner.

7. However, direction is issued to the learned Judicial Magistrate, Mettupalayam, to complete the trial in C.C.No.166 of 2020 as expeditiously as possible preferably within a period of six months from the date of receipt of a copy of this order.

8. With these observations, this Criminal Original Petition stands disposed of.

-sd/-

23/12/2020

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,
METTUPALAYAM.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

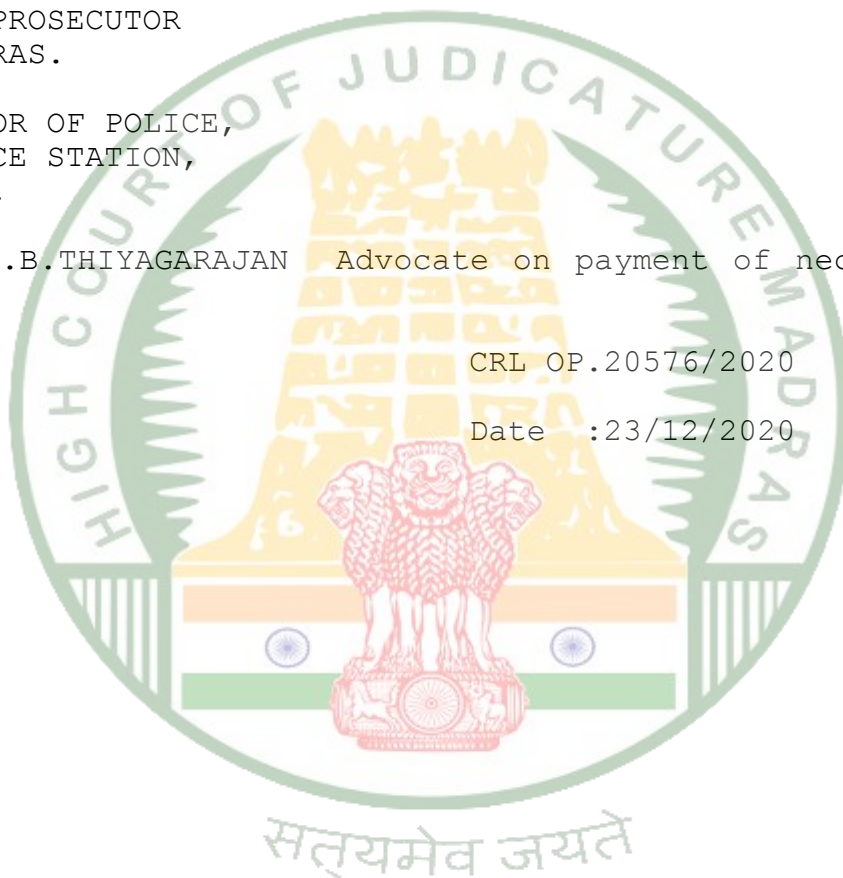
5 THE INSPECTOR OF POLICE,
KAARAMADAI POLICE STATION,
COIMBATORE DIST.

CC to M/S.B.THIYAGARAJAN Advocate on payment of necessary
charges

CRL OP.20576/2020

Date :23/12/2020

MK:08/01/2021



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