

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.12.2020

CORAM :

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

Crl.O.P.Nos.18694 & 18813 of 2020

Kettiyan @ Pandiyan @ Raja ... Petitioner in both Crl.OPs.

Vs.

State rep by,
The Inspector of Police,
Avinashi Police Station,
Tiruppur District.
(Crime Nos.55 & 224 of 2019) ... Respondent in both Crl.OPs.

PRAYER: Criminal Original Petitions filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime Nos.55 & 224 of 2019 on the file of the respondent.

For Petitioner : Mr.B.Mohan

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

COMMON ORDER

(These cases have been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 04.07.2019 for the offence punishable under Section 392 of IPC in Crime Nos.55 & 224 of 2019 respectively, on the file of the respondent police, seeks bail.

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2. The case of the prosecution is that on 05.02.2019, when the *de facto* complainant was riding a two wheeler bearing registration No.TN 39 BB 8582 with her daughter as a pillion rider, two known persons came in a two wheeler behind her and snatched 5 sovereigns of gold chain from her neck and flew away from the scene of occurrence.

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3. The case of the prosecution is that on 25.04.2019, when the *de facto* complainant was cleaning the door of her house, three known persons came in a two wheeler behind her and snatched 5 sovereigns of gold chain from her neck and flew away from the scene of occurrence.

persons came there and snatched 10 sovereigns of gold chain from her neck and flew away from the scene of occurrence.

4. The learned counsel appearing for the petitioner would submit that in both the cases, the accused are stated to be known and the petitioner has been falsely implicated in these cases. He would submit that the petitioner was arrested on 30.06.2019 when he was in his house and thereafter, the petitioner was falsely implicated in CrI.OP.18694 of 2020. He would submit that the petitioner was detained under Act 14, 1982 and the same was set aside by this Hon'ble Court in HCP.No.2126 of 2019 dated 20.01.2020. Hence, he prays for grant of bail.

5. Per contra, the learned Government Advocate (CrI. Side) appearing for the respondent police would vehemently oppose stating that the petitioner is a habitual offender, against whom there are 9 previous cases of property offences, viz., 1. Avinashi PS Cr No 55/19 u/s 392 IPC; 2. Avinashi PS Cr.No 224/19 u/s 392 IPC; 3. Perumanallur PS Cr.No 288/19 u/s 457,392 IPC; 4. Erode District Kavunthapadi PS Cr.No 305/19 u/s 457,392 r/w 397 IPC; 5. Coimbatore District Kottur PS Cr.No 117/19 u/s 394 IPC; 6. Namakkal Dist Nallipalayam PS Cr.No 334/17 u/s 454, 380 IPC; 7. Namakkal District Nallipalayam PS Cr.No 340/17 u/s 454, 380 IPC; 8. Namakkal District Nallipalayam PS Cr.No 368/17 u/s 454, 380 IPC and 9. Ramanathapuram Kenikkarai PS Cr.No 190/18 u/s 392 IPC. He would submit that as far as the case in Crime No.55 of 2019 registered by Avinashi Police Station, the investigation has been completed and the final report has been filed before the learned Judicial Magistrate, Avinashi and the same was taken on file in C.C.No.413 of 2019 and as far as the case in Crime No.224 of 2019 registered by Avinashi Police Station, the investigation has been completed and the case has been taken on file in C.C.No.412 of 2019 and pending trial on the file of learned Judicial Magistrate, Avinashi.

5. Heard the learned counsel on either side and perused the materials available on record.

6. Taking into consideration the fact that the petitioner has got 9 previous cases of similar nature, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition stands dismissed. However, a direction is given to the learned Judicial Magistrate, Avinashi to complete the trial in C.C.Nos.412 & 413 of 2019 as expeditiously as possible preferably, within a period of six (6) months from the date of receipt of a copy of this order.

-sd/-

07/12/2020

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

TRUE COPY

TO

1 THE JUDICIAL MAGISTRATE,
AVINASHI.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
AVINASHI POLICE STATION,
TIRUPPUR DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI.

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

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Date :07/12/2020

TA-14/12/2020