

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.12.2020

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.20158 of 2020

1.Sunil Ram Shabd Prajapati ... Petitioners
2.Ankesh Gupta
3.Mohammad Ayub Khan
4.Laxman Vasanth Ghule
5.Aamir Ahmed Shafiullah Qureshi

Versus

State Represented by, ... Respondent
The Inspector of Police,
Salavakkam Police Station,
Kancheepuram District.
(Crime No.1190/2020).

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C., to enlarge the petitioner on bail in Crime No.1190 of 2020 on the file of Inspector of Police, Salavakkam Police Station, Kancheepuram District.

For Petitioners:Mr.Samy Subramaniam

For Respondent : Mr.C.Iyyappa Raj
Additional Public Prosecutor

ORDER

The petitioners, who were arrested and remanded to judicial custody on 09.10.2020 for the offence under Sections 457, 380, 395 and 397 IPC in Crime No.1190 of 2020 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the defacto complainant is working as Security at Kanish Gold Private Limited along with others. On 07.10.2020, at about 02.00 a.m., when the defacto complainant was in his work, he found two accused were taking sand and one standing with knife. On seeing the defacto complainant, they tried to attack him using knife, but the defacto complainant along with others caught A1 to A3 and handed over to the respondent Police with the sand bag.

3.The learned counsel for the petitioner submitted that the petitioners are no way connected in this case as alleged by the prosecution. They hail from Maharashtra State and came to Tamil Nadu for survival. He further submitted that on the date of

occurrence, they were taken for enquiry and registered the above against them. Hence, he prayed for bail.

4.The learned Additional Public Prosecutor submitted that on 07.10.2020, at about 02.00 a.m., when the defacto complainant was on duty, he found two accused collecting sand and one standing with knife. On seeing the defacto complainant, they tried to attack him using knife, but the defacto complainant along with others caught A1 to A3 and handed over to the respondent Police with the sand bag. He further submitted that the petitioners hail from Maharashtra State and they are involved in similar nature of cases in other States. Further, the investigation in this case is almost completed and within three days, charge sheet would be filed before the concerned Jurisdictional Court. In this case, 12 witnesses are cited. If the petitioners are released on bail, they would flee from the State and abscond, which would hindrance the Court to complete the trial. He further submitted that earlier this Court dismissed the bail petition of the petitioner in Crl.O.P.No.18669 & 18706 of 2020 on 01.12.2020 and there is no change of circumstances. Hence, he opposed the bail application.

5.It is seen that the petitioners are from the State of Maharashtra and they are accused not only in the above case, but also in other States. Hence, this Court feels that if the petitioners are released on bail, it would stall the trial and there is possibility for the petitioners leaving the State of Tamil Nadu. In view of the above, this Court is not inclined to grant bail to the petitioners and the petition is, accordingly, dismissed.

6.Considering that the investigation is completed and charge sheet is ready to be filed, this Court directs the trial Court to complete the trial within a period of four months from the date of filing of charge sheet.

-sd/-

23/12/2020

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

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TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
SRIPERUMBUDUR, KANCHEEPURAM DISTRICT.

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

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SALAVAKKAM POLICE STATION,
KANCHEEPURAM DISTRICT.

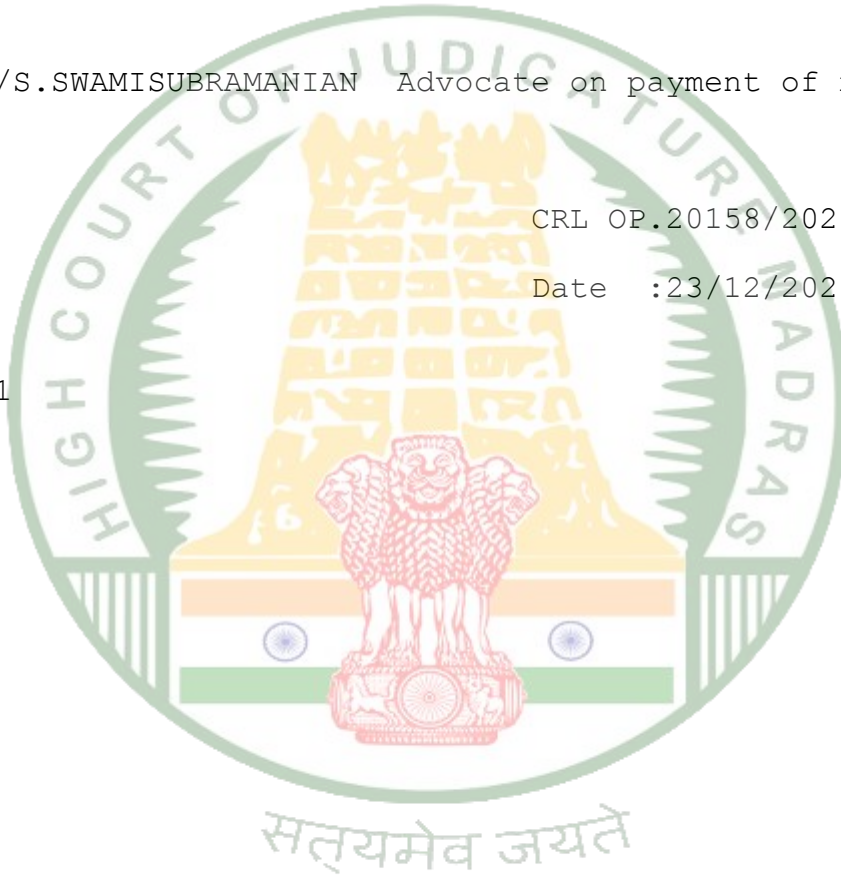
5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

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

CRL OP.20158/2020

Date :23/12/2020

MN-18/01/2021



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