

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Thirtieth day of January Two Thousand Twenty
PRESENT

The Hon`ble Mr Justice C.V. KARTHIKEYAN

CRIMINAL ORIGINAL PETITION NOS.33859, 33862, 33875,
33879 and 33882 of 2019

IN P.R.C.NOS.57 OF 2012 & 97 OF 2011 & 99 OF 2010

[On the file of the learned Judicial Magistrate at Tambaram

IN CRL.OP.NOS.33859, 33875 & 33882 OF 2019

IN S.C.NO.68 OF 2010 & 49 OF 2017

[On the file of the learned Additional District and Sessions Judge

at Chengalpattu IN CRL.OP.NO.33862 OF 2019 &

CRL.OP.NO.33879 OF 2019]

K.SURYA

[PETITIONER / ACCUSED
IN ALL THE PETITIONS]

Vs

THE STATE, REP. BY ITS [RESPONDENT
INSPECTOR OF POLICE, IN ALL THE PETITIONS]
S-14, PEERKANKARANAI POLICE STATION,
CHENNAI DISTRICT.
CRIME NOS.519/2012, 791/2007, 39/2011,
98/2010, 432/2009.

For Petitioner : M/S.KRISHNAMOORTHY Advocate for
M/S.ARUN.G Advocate [IN ALL THE PETITIONS]

For Respondent : M/S.T.P.SAVITHA, Govt. Advocate (Crl. Side)
[IN ALL THE PETITIONS]

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners were arrested and remanded to judicial
custody on 07.01.2019.

2. The case of the prosecution is that on 25.09.2007, at about 20.00 hours, in front of near Annachi provision Store, Kattabomman Street, Kamaraj Nagar the petitioners in all the Crl.O.Ps/ accused joined together with a common object to cause the death Eli A Gopi, inflicted cut injuries with knife and caused the death of said Eli @ Gopi and hence the complaint.

3. The learned counsel for the petitioner submitted that the petitioners have been in continuous custody for nearly a year now. However, it is a case of the prosecution that there are about 51 cases as against the petitioners. The details of the cases are still now pending against the petitioners are as follows:

S.N o.	Cr.No.	Bail Petition Number	Reasons for non- committal	Stage of the case
1	519/2012 u/s. 341, 294(b), 323, 307 IPC PRC No.57/2012	Crl.O.P.N o.33859 of 2019	Total No. of accused 4 A-1 Surya NBW issued on 11.12.2018 and executed on 07.01.2019 and remanded to judicial custody and appearing in the Court. A-2 Gaja @ Gajendran- NBW is pending since 19.12.2019 A-3 Sailendar. NBW recalled on 26.09.2019 but not appeared in the JM Court, Tambaram. Case stands posted to 05.02.2020	For committal in Sessions Court, Chengalpattu from JM Court, Tambaram

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S.N o.	Cr.No.	Bail Petition Number	Reasons for non- committal	Stage of the case
2.	39/2011 u/s. 341, 392, 307, 506 (ii) IPC PRC No.97/2011	CrI.O.P.N o.33875 of 2019	Total No. of accused 4 A-1 Udhaya @ Udhayaraj died A-2 Surya NBW issued on 11.12.2018 and executed on 07.01.2019 and remanded to judicial custody and appearing in the Court. A-3 Sailendar. NBW recalled on 26.09.2019 but not appeared in the JM Court, Tambaram. A-4 Otteri Karthik - Detained under Act 14 of 1982 by S-5, Pallavaram P.S. Case stands posted to 05.02.2020	For committal in Sessions Court, Chengalpattu from JM Court, Tambaram

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S.No.	Cr.No.	Bail Petition Number	Reasons for non- committal	Stage of the case
3	98/2010 u/s. 147, 148, 302 r/w.120(b) IPC SC No. No.49/2017 of ADJ, Chengalpatt u Split up SC No.153/2019	Crl.O.P.No.33879 of 2019	Total No. of accused 6 A-1 Udhaya @ Udhayaraj died A-2 Split up SC No.153/2019.NBW is pending since 26.11.2019. A-3 Gaja @ Gajendran - NBW is pending since 19.12.2019 A-4 Jebasekhar - presnet A-5 Surya. NBW issued on 11.07.2017 and executed on 14.03.2019 through PT warrant. A-6- Samrat Chanakyan - Died A-7 Manikandan - Present	Stands posted to 05.02.2020 for framing charges.
4.	432/2009 u/s. 341, 307 IPC PRC No.99/2010 of JM, Tambaram	Crl.O.P.No.33882 of 2019	Total No. of accused 3 A-1 Chanakyan is died A-2 Surya NBW issued on 11.12.2018 and executed on 07.01.2019 and remanded to judicial custody and appearing in the Court. A-3 Sailendar. NBW recalled on 26.09.2019 but not appeared in the JM Court, Tambaram	For committal in Sessions Court, Chengalpattu from JM Court, Tambaram

S.N o.	Cr.No.	Bail Petition Number	Reasons for non- committal	Stage of the case
5	791/2007 u/s. 148, 341, 302 r/w 149 IPC SC No. 68 / 2010 of ADJ, Chengalpatt u	CrI.O.P.N o.33862 of 2019	Total No. of accused 5 A-1 Vasantha Kumar - Present A-2 Surya. NBW issued on 04.04.2018 and executed on 25.03.2019 through PT warrant. A-3 Gaja @ Gajendran - NBW is pending since 19.12.2019 A-4, Jeevanandam - Presnet A-5, Muthukumar - present	Stands posted to 05.02.2020 for examination of LW-12.

4. One another fact which has to be considered is in the report of the Judicial Magistrate I, Tambaram, wherein he had stated that the Non Bailable Warrant issued against the other accused A3 Silendar had been recalled by this Court on 26.09.2019. But the said accused has not appeared before the Judicial Magistrate. It is seen that the intention of the accused person is to evade from the judicial process.

5. The learned counsel for the petitioners stated that the present petitioner had suffered fractures in hand and leg and requires treatment. In the report given by the Magistrate, it is also stated that if the petitioner is produced on 05.02.2020, the case will be split up and would be transferred to the case of Sessions.

6. Insofar as the injuries suffered by the accused are concerned, a direction is issued to the Jail Authorities to give proper treatment to the injured petitioner/accused.

7. Taking into consideration of the antecedents of the petitioners and also the fact that the co-accused had taken wrongful advantage of the order recalling NBW, I am not inclined to grant bail to the petitioner. Accordingly, the bail applications are dismissed.

-sd/-
30/01/2020

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 JUDICIAL MAGISTRATE NO.I,
TAMBARAM

2 THE JUDICIAL MAGISTRATE,
TAMBARAM

3 THE ADDITIONAL DISTRICT AND
SESSIONS JUDGE AT CHENGALPATTU

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI.

5 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS-104

6 THE INSPECTOR OF POLICE,
S-14, PEERKANKARANAI POLICE STATION,
CHENNAI DISTRICT.

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

CrI.O.P.Nos.33859, 33862, 33875,
33879 and 33882 of 2019

Date :30/01/2020

MK:06/02/2020