



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Wednesday, the Nineteenth day of August Two Thousand Twenty

PRESENT

The Hon`ble Mr.Justice M.SATHYANARAYANAN

CRL OP(MD) No.7380 of 2020

J.SULAIMAN BASHA

... PETITIONER/ACCUSED No.4

Vs

THE STATE REP. BY
THE DEPUTY SUPERINTENDENT OF POLICE,
CBCID MADURAI RANGE,
MADURAI DISTRICT.
CR NO.02/2020
(OLD CR.NO.67 OF 2020
ON THE FILE OF OOMACHIKULAM
POLICE STATION)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.G.KARUPPASAMY PANDIAN , Advocate

For Respondent : Mr.K.K.RAMAKRISHNAN,
Additional Public Prosecutor

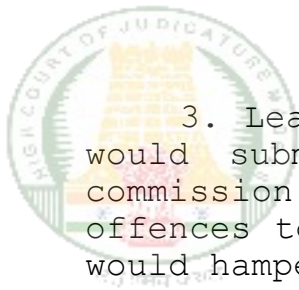
: Mrs.J.ANANDHAVALLI,
Court appointed as Guardian

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner is arrayed as A.4 and claims to be a practising Advocate and he was arrested and remanded to judicial custody on 30.05.2020 for the alleged commission of offences under Sections 342, 379, 365, 406, 420, 419, 465, 467, 468 471 read with Section 120-B I.P.C, in Cr.No.67 of 2020, originally registered by Oomachikulam Police Station, and pursuant to the orders passed by this Court, dated 19.06.2020 passed in Crl.O.P(MD)Nos.6216, 6131 and 5960 of 2020, the case was transferred to CBCID, who registered a case in Cr.No.2 of 2020 for the alleged commission of the offences under Sections 342, 379, 365, 406, 420, 465, 467, 468, 471 read with Section 120-B I.P.C, on 27.06.2020 and there are totally 12 accused.

2. Learned Counsel for the petitioner/A.4 would submit that the petitioner is a practising Advocate and is in incarceration for 82 days and since there may not be a possibility of filing the final report within the stipulated time of 90 days, prays for enlargement



3. Learned Additional Public Prosecutor appearing for the State would submit that the petitioner, being the brain behind the commission of the offences, as per his advice, the commission of the offences took place and in the event of his enlargement on bail, he would hamper the investigation and tamper with the witnesses.

WEB COPY

4. Ms.J.Anandhavalli, learned Counsel - Court Appointed Guardian, would also support the submission of the learned Additional Public Prosecutor appearing for the State and she would also add that the special child, as of now, has not been provided with anything, though his late father - Vasanthakumar, possessed many immovable properties worth a large sum.

5. This Court has considered the rival submissions and perused the materials placed on record.

6. This Court, in the light of the serious nature of the allegations and further taking into consideration the fact that the petitioner/A.4 being a legal practitioner, is said to have been given advice, based on which, the offences are said to have been committed, is of the considered view that this is not a fit case to grant bail to the petitioner/A.4.

7. At this juncture, the learned Counsel for the petitioner/A.4 would submit that in the event of the charge sheet is not filed within 90 days from the date of his remand, he is entitled for statutory bail.

8. It is always open to the petitioner/A.4 to file necessary application before the jurisdictional Court praying for statutory/default bail and the said Court, in the light of the judgment of the Honourable Supreme Court in ***S.Kasi v. State through the Inspector of Police*** reported in **2020 (4) CTC 587**, is directed to consider the same and give a disposal.

9. Accordingly, this Criminal Original Petition stands dismissed.

sd/-
19/08/2020

/ TRUE COPY /

/08/2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

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



TO

1.THE DEPUTY SUPERINTENDENT OF POLICE,
CBCID MADURAI RANGE,
MADURAI DISTRICT.

2.THE OFFICER INCHARGE,
DISTRICT JAIL, DINDIGUL.

3.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,MADURAI.

COPY TO:

1.THE JUDICIAL MAGISTRATE NO IV,
MADURAI.

2.THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

ORDER

IN

CRL OP(MD) No.7380 of 2020

Date :19/08/2020

RSB

TK/PN/SAR.3/21.08.2020/3P/6C