

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 15.03.2021

CORAM

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

CrI.O.P.No.4180 of 2021

K.Mahendiran

... Petitioner

Vs.

State by
The Inspector Of Police,
Moolanur Police Station
Tiruppur District
(Cr. No.10 of 2017)

.... Respondent

Prayer: Criminal Original Petition filed under Section 439 of Cr.P.C. to grant bail to the petitioner in C.C.No.147 of 2017 (on the file of the Judicial Magistrate Court, Dharapuram, Tiruppur District) in Crime No.10 of 2017 on the file of the respondent police.

For Petitioner : Mr.P.Pugalenthiraj

For Respondent : Mr.T.Shunmuga Rajeshwaran
Government Advocate (CrI.Side)

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 13.08.2018 for the offence punishable under Section 379 @ 392 read with 34 IPC in Crime No.10 of 2017, seeks bail.

2. The case of the prosecution is that on 07.01.2017, the petitioner along with yet another accused committed robbery of cell phone and Thali Saradu from the defacto complainant and escaped from the scene of occurrence. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and since, the petitioner has got previous cases, he was falsely implicated in this case and arrested and that the petitioner is not at all involved in this case. He would submit that the petitioner had earlier moved this Court seeking for bail in CrI.O.P.No.11219 of 2020 and this Court while dismissing the earlier application, had directed the learned Judicial Magistrate, Dharapuram, to split up the case against the petitioner and to complete the trial

preferably within a period of three months from the date of lifting of lockdown. He would submit that despite lifting of lockdown, the case has not been split up and that the petitioner is in custody for more than 2½ years. Hence, he prays for grant of bail.

4. The respondent has filed status report in which, it has been stated that the investigation has been completed and the charge sheet has been filed on 21.03.2017 and that the case has been taken up in C.C.No.147 of 2017 dated 15.05.2017 and since, the petitioner had been absconding during the year 2018, NBW was issued against the petitioner and the petitioner was arrested on 13.08.2018. Further, it has been stated that the petitioner is involved in 32 cases which are pending before various Stations in Tiruppur, Karur, Erode, Perambalur, Dharmapuri and Trichy Districts.

5. The learned Government Advocate (Crl. Side) would vehemently oppose stating that the petitioner has got 32 cases to his credit which are registered for offences under Sections 392, 397 and 379 IPC. He would further submit that on the earlier occasion, inadvertently a wrong instruction was given as if, the petitioner has got 12 other cases of similar nature, but there are 32 cases against the petitioner and this Court, finding that the petitioner is in custody from 13.08.2018, had directed the trial Court by order dated 04.08.2020, to split up the case against the petitioner and complete the trial within a period of three months after lifting of lockdown. He would further submit that there are totally 12 witnesses and 3 accused in this case and that the case has been posted on 18.03.2020 for appearance of other accused. He would submit that one of co-accused has been arrested in another crime number and he is in custody at Salem and the other accused is still absconding, however the respondent are ready to produce the witnesses.

6. This Court taking into consideration that the petitioner was involved in 12 other cases, had dismissed the earlier application on 04.08.2020 and had directed the learned Magistrate to split up the case insofar as the petitioner is concerned and to complete the trial preferably within a period of three months after lifting of lockdown. Now it has been brought to the knowledge of this Court that the petitioner is involved in 32 cases of similar nature. Hence, this Court is not inclined to grant bail to the petitioner.

7. The learned Judicial Magistrate, Dharapuram is directed to strictly comply with the order of this Court dated 04.08.2020 in Crl.O.P.No.11219 of 2020 and split up the case insofar as the petitioner is concerned and complete the trial within a period of three months from 18.03.2021. The respondent shall ensure that the witnesses are produced before the Court without any delay.

8. With the above observations, this Criminal Original Petition stands dismissed.

-sd/-
15/03/2021

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,
DHARAPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

5 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

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

CRL OP.4180/2021

Date :15/03/2021

TA-17/03/2021

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