

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.01.2021

CORAM :

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

CrI.O.P.No.561 of 2021

Manickam

... Petitioner

Vs.

State: Rep. by

... Respondent

The Inspector of Police,
G-5, Secretariat Colony Police Station,
Chennai.
(S.C.No.176/2019)

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in S.C.No.176 of 2019, on the file of XVI Additional Sessions Court, Chennai.

For Petitioner : Ms.R.Muthukumar

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

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 06.08.2020 for the offence punishable under Sections 341, 294(b), 336, 427, 392, 397 & 506(ii) IPC, in S.C.No.176 of 2019, seeks bail.

2.It is a case of jumped bail. The petitioner is one of the accused, facing trial in S.C.176 of 2019, pending on the file of the learned XVI Additional Sessions Court, Chennai, for the offences punishable under Sections 341, 294(b), 336, 427, 392, 397 & 506(ii) IPC. The petitioner was earlier granted bail by this Court and thereafter had failed to comply with the conditions imposed by this Court and hence, the Trial Judge had issued an NBW of arrest, pursuant to which, the petitioner has been arrested on 06.08.2020 and bail has been sought in the Sessions Case.

3.The learned counsel appearing for the petitioner would submit that this is the third bail application and the earlier bail application filed by the petitioner in Cr.O.P.No.18356 of 2020 was dismissed by this Court on 23.11.2020. He would submit that the

petitioner is in custody from 06.08.2020 and despite the order passed by this court to complete the trial within six months from the date of receipt of a copy of the order, the prosecution has not been bringing the witnesses and thereby, there is a delay in the trial and thereby, he seeks for bail.

4.The learned Additional Public Prosecutor would oppose stating that taking into consideration the antecedents that the petitioner has 21 previous cases against him and he has got yet another murder case to his credit, this Court by earlier order dated 23.11.2020, in Crl.O.P.No.18356 of 2020, was pleased to dismiss the bail application filed by the petitioner with a direction to dispose of S.C.No.176 of 2019 as expeditiously as possible, preferably, within a period of six months from the date of receipt of a copy of the order. He would further submit that the prosecution has taken effective steps to complete the trial at the earliest. He would submit that there are totally 10 witnesses in this case and the prosecution so far has examined 5 witnesses and the case stands posted on 03.02.2021 for examination of LW6 to LW10 and that if the petitioner is let on bail, there is every possibility of him absconding once again and thereby derail the trial proceedings.

5.Taking into consideration of the bad antecedents of the petitioner and that the petitioner has 21 previous cases and yet another murder case to his credit and considering the fact that this Court had also issued a direction vide order dated 23.11.2020 in Crl.O.P.No.18356 of 2020, to complete the Trial within a period of six months from the date of receipt of a copy of the order and that six months period has not lapsed yet, this court is inclined to dismiss this petition, however, a direction is issued to the learned Trial Judge to strictly comply with the order of this court dated 23.11.2020 in Crl.O.P.No.18356 of 2020 and complete the trial at the earliest.

6. With the above directions, this Criminal Original Petition stands dismissed. सत्यमेव जयते

-sd/-

21/01/2021

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 XVI ADDITIONAL SESSIONS COURT,
<https://hcservices.ecourts.gov.in/hcservices/>
CHENNAI.

2 THE INSPECTOR OF POLICE,
G-5, SECRETARIAT COLONY POLICE STATION,
CHENNAI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

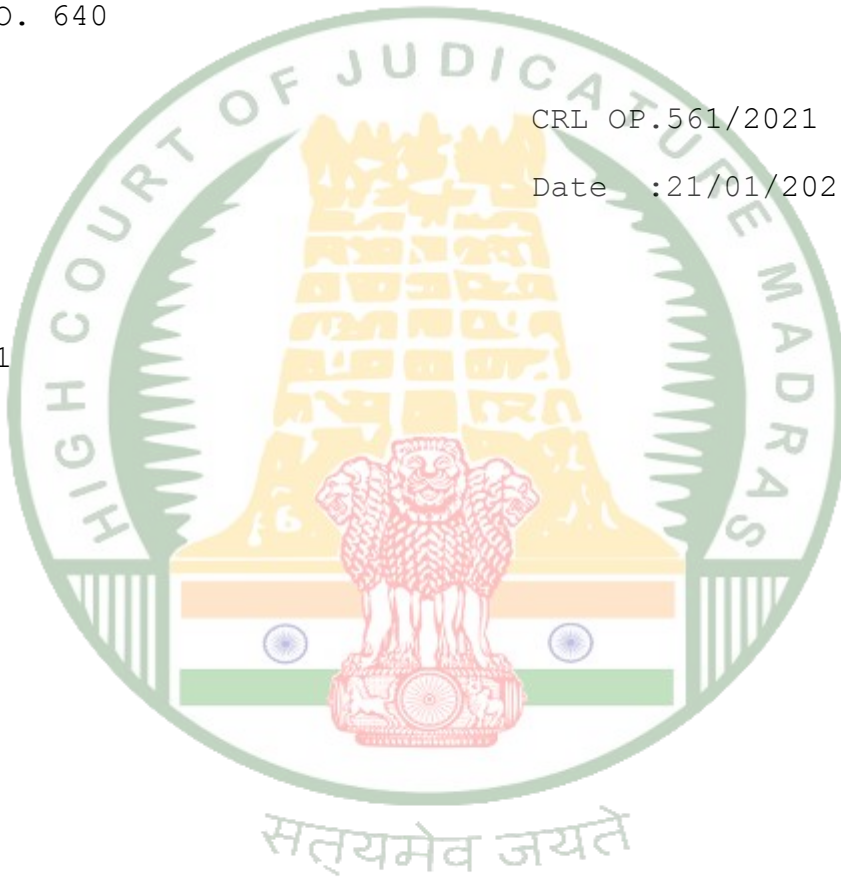
4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI.

+1 CC to M/S. R.MUTHUKUMAR Advocate on payment of necessary
charges SR NO. 640

CRL OP.561/2021

Date :21/01/2021

MN-29/01/2021



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