

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2021

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.998 of 2021

Danasekaran

... Petitioner

Vs.

The State represented by
The Inspector of Police
Ammamet Police Station
Salem City
Crime No.482 of 2009

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in connection with S.C.No.270 of 2009 on the file of Special Judge for E.C.Act Cases, Salem in Crime No.482 of 2009 on the file of the respondent.

For Petitioner : Mr.D.Magesh

For Respondent : Ms.Sharadha Devi
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 08.11.2019 for the offences punishable under Sections 120 (b), 302, 201 r/w 34 @ 302 IPC, in Crime No.482 of 2009, seeks bail.

2. It is a case of jumped bail. The learned counsel for the petitioner would submit that this is the second application for bail and the earlier application for bail in Crl.O.P.No.10063 of 2020 was dismissed by this Court with a direction directing the Special Judge for E.C.Act Cases, Salem to complete the trial as expeditiously as possible within six months from the date of receipt of a copy of the order. He would submit that the respondents are not bringing the witnesses in time and thereby, the trial is getting delayed. Hence, he seeks for bail.

3.The learned Additional Public Prosecutor would submit that this Court taking into consideration that the petitioner is a habitual offender against whom there are 11 previous cases like 3 attempt to murder, 1 Arms Act, 1 robbery, 3 hurt cases, 2 Extortion cases and also taking into consideration that the trial Court had issued NBW on 4 earlier occasions, had dismissed the earlier bail application. She would submit that though this Court had directed that the trial to be completed within six months, due to Corona there had been a delay in the prosecution being able to produce the witnesses before the Court. She would further submit that there are totally 24 witnesses in this case and the case has been posted on 02.02.2021 for examination of LW-1,11 and 13 and that the prosecution would be able to take effective steps to complete the trial if a further period of two months time is granted.

4. Taking into consideration that the petitioner is a habitual offender and on four earlier occasions NBW has been issued against the petitioner and already the trial court has been directed to complete the trial within a period of six months from the date of receipt of a copy of the order and that now the trial is in progress, this Court finds no reason to grant bail to the petitioner.

5.In view of the above, this Court grants a further period of two months to from today to complete the trial and the learned Special Judge for E.C.Act Cases, Salem is directed to strictly comply with the order of this Court dated 03.07.2020 and complete the trial as expeditiously as possible.

6. Accordingly, this Criminal Original Petition is disposed of.

-sd/-

25/01/2021

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 SPECIAL JUDGE FOR E.C.ACT CASES,
SALEM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

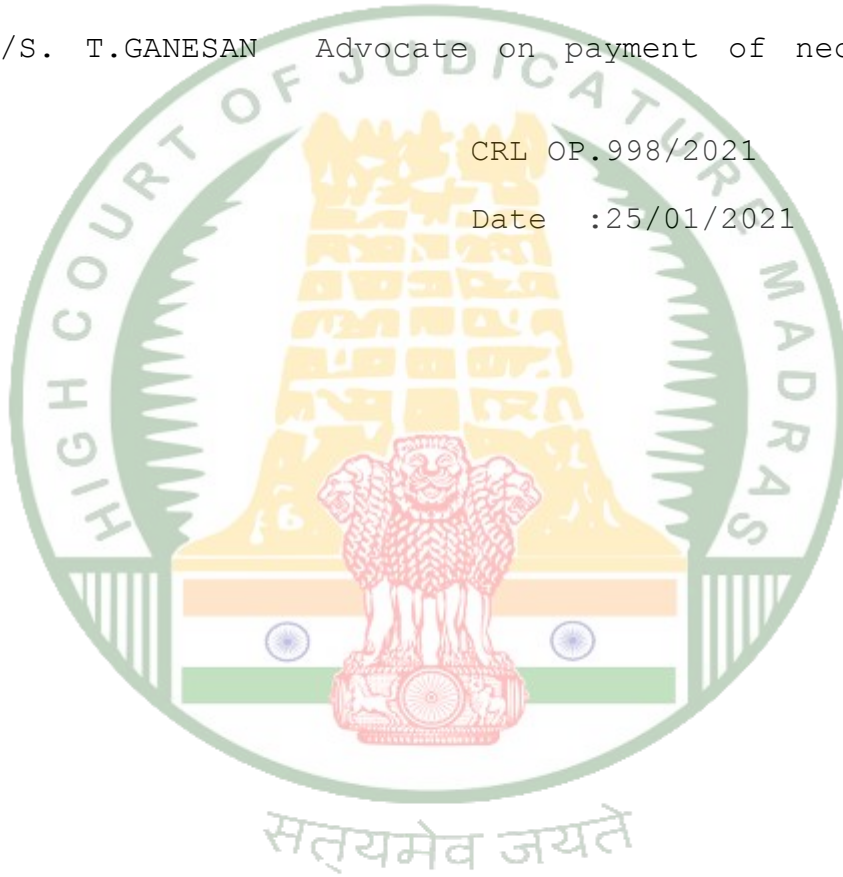
3 THE INSPECTOR OF POLICE,
AMMAPET POLICE STAION,
SALEM DISTRICT.

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

CRL OP.998/2021

Date :25/01/2021

MK:03/02/2021



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