

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.04.2021

CORAM :

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

Crl.O.P.No.6263 and 6256 of 2021

Manickam

... Petitioner in both Crl.O.Ps.

Vs.

State, Rep by

The Inspector of Police

G-5, Secretariat Colony Police Station

Chennai.

.... Respondent in both Crl.O.Ps.

PRAYER in Crl.O.P.No.6263 of 2021: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in S.C.No.348 of 2014 on the file of the XIX Additional Sessions Court, Chennai.

PRAYER in Crl.O.P.No.6256 of 2021: 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 the XVI Additional Sessions Court, Chennai.

In both Crl.O.Ps.

For Petitioner : Mr.R.Muthukumar

For Respondent : Mr.L.Charles Premkumar

Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

In Crl.O.P.No.6263 of 2021 the petitioner, was arrested and remanded to judicial custody on 06.08.2020 for the offence punishable under Sections 147, 148, 364, 302 IPC read with 201 and 149 IPC in S.C.No.348 of 2014 on the file of the XIX Additional Sessions Court, Chennai, seeks bail.

In Crl.O.P.No.6256 of 2021 the petitioner, was arrested and remanded to judicial custody on 06.08.2020 for the offence punishable under Sections 341, 294(b), 336, 427, 392, 397 and 506 (ii) of IPC in S.C.No.176 of 2019 on the file of the XVI Additional Sessions Court, Chennai, seeks bail.

2. CrI.O.P.No.6256 of 2021: It is a case of jumped bail. The petitioner is facing trial in S.C.No.348 of 2014 for offences under Sections 147, 148, 364, 302 read with 201 and 149 IPC. Since the petitioner did not appear before the trial Court on 20.11.2019, the trial Court had issued Non Bailable Warrant against the petitioner on 20.11.2019 pursuant to which, the petitioner was arrested on 06.08.2020 on execution of Non Bailable Warrant.

3. CrI.O.P.No.6256 of 2021: 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, he 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.

4. The learned counsel appearing for the petitioner would submit that on the earlier occasion it was reported that the case in S.C.No.348 of 2014 was posted for examination of Investigating Officer and thereby, this Court had dismissed the application filed for bail in CrI.O.P.No.18093 of 2020 on 23.11.2020 and directed the trial Court to complete the trial at the earliest preferably within a period of three months and also directed to examine the investigating Officer without any further delay. Subsequently, the petitioner had filed a petition in CrI.O.P.No.604 of 2020 for bail and since the period of three months had not been lapsed, this Court had again dismissed the petition vide order dated 21.01.2021 and issued a direction to the trial Court to comply with the order of this Court dated 23.11.2020. However, the respondent have not produced the witnesses for examination and thereby, there is no progress in the trial. Insofar as S.C.176 of 2019 is concerned, the earlier application was dismissed by this Court in CrI.O.P.No.18356 of 2020 vide order dated 23.11.2020 directing the concerned Court to complete the trial within a period of six months and that the subsequent application was also dismissed stating that the six months time period had not been lapsed. He would submit that the petitioner is unnecessarily kept in custody. Hence, he prays for grant of bail.

5. The respondent has filed status report in both the cases.

6.The learned Government Advocate (Crl. Side) appearing for the respondent police would submit that the respondent are conducting the trial with utmost sincerity. However, due to Corona, the Investigating Officer was affected and thereby, he was unable to appear before the Court for producing the evidences. He would further submit that insofar as the case in S.C.No.176 of 2019 is concerned, the case is posted today for questioning and insofar as the case in S.C.No.348 of 2014 is concerned, the trial Court has posted the matter on 30.04.2021 for examination of the Investigating Officer. He would further submit that the respondent are prepared to produce the witnesses without any more delay and that a direction may be issued to the concerned Courts to complete the trial at the earliest.

7.This Court had earlier dismissed the applications for bail stating that the petitioner is a habitual offender against whom there are six previous cases. Further, in both the cases, the independent witnesses have been examined. Insofar as the case in S.C.No.348 of 2014 is concerned, it has been posted on 30.04.2021 for examination of the Investigating Officer and insofar as the case in S.C.No.176 of 2019, the witnesses have been examined and the case is posted today (26.04.2021) for questioning. It is seen that there is no change in circumstances after the dismissal of the earlier applications and thereby, this Court is not inclined to grant bail to the petitioner.

8. However, a direction is issued to the concerned Judges viz., the learned XIX Additional Sessions Judge, Chennai and the learned XVI Additional Sessions Judge, Chennai, to complete the trail in S.C.No.348 of 2014 and S.C.No.176 of 2019 respectively and deliver the Judgments as expeditiously as possible preferably within a period of six weeks from the date of receipt of copy of this order.

9. With the above directions, the Criminal Original Petitions stand dismissed.

-sd/-

26/04/2021

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 XIX ADDITIONAL SESSIONS COURT,
CHENNAI.

2 THE XVI ADDITIONAL SESSIONS COURT,
CHENNAI.

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

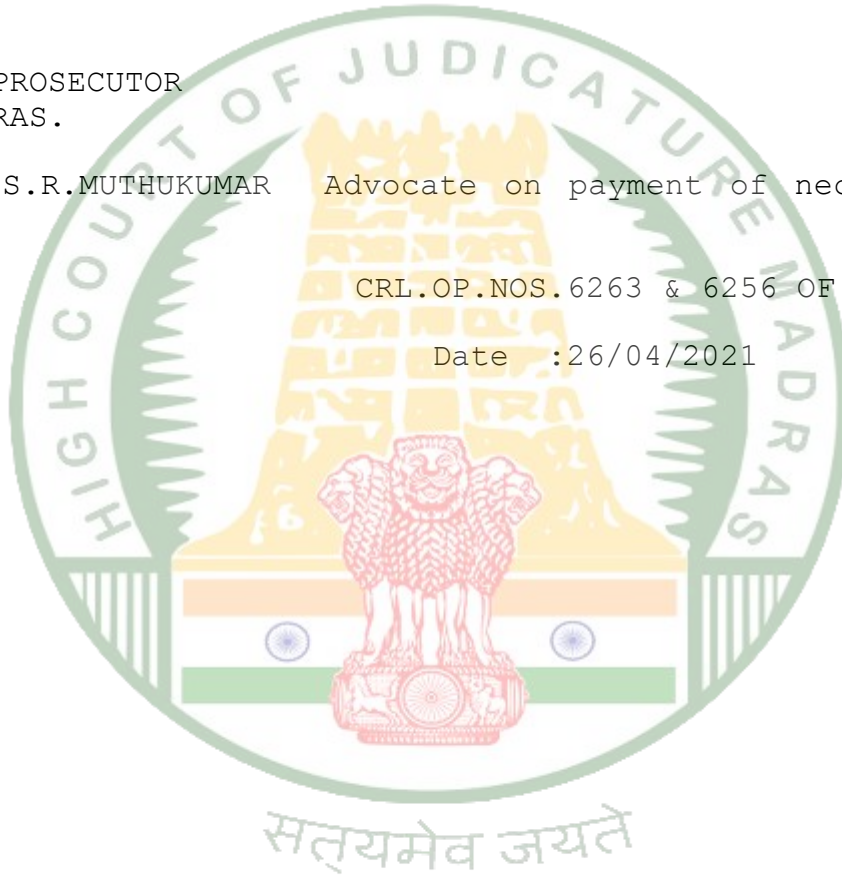
4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.R.MUTHUKUMAR Advocate on payment of necessary
charges

CRL.OP.NOS.6263 & 6256 OF 2021

Date :26/04/2021

MK:30/06/2021



WEB COPY