

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Sixteenth day of December Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL APPEAL Nos.372,519,549 and 566 of 2021

PANDIYARAJ

[APPELLANT/ACCUSED
IN CRL.A.NO.372/2021]

SHANMUGAM @ NATTAMAI

[APPELLANT/ACCUSED
IN CRL.A.NO.519/2021]

GOPINATH

[APPELLANT/ACCUSED
IN CRL.A.NO.549/2021]

JESUS

[APPELLANT/ACCUSED
IN CRL.A.NO.566/2021]

Vs

THE STATE REP BY [1ST RESPONDENTS/COMPLAINANT IN
THE DEPUTY SUPERINTENDENT OF POLICE, CRL.A.NOS.372,519 & 566/2021]
KITCHIPALAYAM POLICE STATION,
SALEM-636 015,
(CRIME NO. 1182 OF 2020)

THE INSPECTOR OF POLICE, [2 & 1ST RESPONDENTS/COMPLAINANT
KITCHIPALAYAM POLICE STATION, IN CRL.A.NOS.372,549 & 566/2021]
SALEM-636 015,
(CRIME NO. 1182/2020)

JANSIRANI ...3RD & 2ND RESPONDENT/DE-FACTO COMPLAINANT
(IN ALL THE PETITIONS)

Petitions praying that in the circumstances stated therein the High Court will be pleased to

(i) set aside the order dated 03/07/2021,13/09/2021 & 30/07/2021 passed in Crl.MP.Nos.2006, 3107 & 2348 of 2021 by the learned Principal District and Session Judge, Salem and enlarge the Appellant on bail in Crime No.1182 of 2020, on the file of the 1ST AND 2ND Respondent police, and thus render justice.(IN CRL.A.NOS.372 ,519 & 566/2021)

(ii) call for the records pertaining to the bail dismissal order passed by the learned principal Sessions Judge, Salem in CrI.MP.No.3880 of 2021 dated 27/10/2021 and set aside the same and to enlarge the petitioner on bail and thus render justice.(IN CRL.A.549/2021)

Order : These petitions coming on for orders upon perusing the petitions and upon hearing the arguments of M/S.M.MOHAMED YASIN(IN CRL.A.NO.372/2021), M/S.AKHIL AKBAR ALI (IN CRL.A.NO.519/2021), M/S.C.DEEPAK KUMAR(IN CRL.A.NO.549/2021) AND M/S.T.MURUGANANTHAM(IN CRL.A.NO.566/2021) Advocate for the petitioner and of MR.S.SUGENDRAN, Govt. Advocate (CrI. Side)(R-1 & R-2) and M/S SANKARASUBBU Advocate (DE-FACTO COMPLAINANT) on behalf of the Respondents the court made the following order:-

The respondent has filed counter in all the cases.

2. Mr.S.Sugendran, learned Government Advocate who takes notice for the respondent would submit that the respondent is ready with the copies and they are ready to serve the copies on the accused. However, the accused who were granted bail, are wilfully evading to appear before the Court and they filed 317 petitions and thereby, the court is unable to serve the copies on the accused and thereby, there had been delay in framing of charges. He would further submit that there is a specific direction from this Court to complete the trial within a period of six months while dismissing one of the applications. Despite the steps taken by the prosecution to complete the trial, the petitioners are not cooperating and thereby there is delay. He would further submit that the prosecution cannot be held responsible for the delay. He would submit that the case now stands posted to 07.01.2022 for framing of charges.

3.Learned counsel for the petitioner in CrI.A.No.519 of 2021 and CrI.A.566 of 2021 would submit that the appellants are suffering with serious ailments and there have not been given proper treatment to them in the jail hospital.

4.Registry is directed to call for a report from the Jail Authorities viz., Superintendent of Central Prison, Salem with regard to the health condition of the appellants viz., Shanmugam @ Nattamai in CrI.A.No.519 of 2021 and Jesus in CrI.A.No.566 of 2021 on or before 10.01.2022.

List the cases on 10.01.2022.

-sd/-

16/12/2021

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 II, SALEM.

2 THE PRINCIPAL DISTRICT AND
SESSIONS JUDGE, SALEM.

3 THE DEPUTY SUPERINTENDENT OF POLICE,
KITCHIPALAYAM POLICE STATION, SALEM-636 015,

4 THE INSPECTOR OF POLICE,
KITCHIPALAYAM POLICE STATION, SALEM-636 015,

5 THE SUPERINTENDENT
CENTRAL PRISON, SALEM.

6 THE PUBLIC PROSECUTOR, HIGH COURT OF MADRAS.

7 THE SECTION OFFICER,
CRIMINAL SECTION, HIGH COURT, MADRAS.

C.C. to M/S.M .MOHAMED YASIN Advocate on payment of necessary
charges

Order

in

CRL A.Nos.372,519,549 and 566 of 2021

Date :16/12/2021

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format

RVR 28/12/2021