

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.20009 of 2020

A. Parameswaran

... Petitioner

Vs.

The State rep.by the
Inspector of Police,
Erode Town Police Station,
Erode.
(In Crime No.618 of 2010)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C., praying, to enlarge the petitioner on bail in Crime No.618 of 2010 on the file of the respondent police.

For Petitioner : Mr.T.Padmanabhan

For Respondent : Mr.Hari Arumugam,
Government Advocate (Crl.side)

O R D E R

The petitioner, who was arrested and remanded to judicial custody on 06.05.2010 for the offences punishable under Sections 379 of IPC in Crime No.618 of 2010 was initially granted bail and later due to non compliance of bail conditions, he was arrested on 22.11.2019 and hence, he now seeks bail before this Court.

2. The case of the prosecution is that on 06.05.2010 at 3.30 a.m., the petitioner was driving the car bearing Registration No.TN 39 U 6435. At that time, the respondent police have stopped the Car and questioned the petitioner and sought documents pertaining to the said Car. The petitioner was unable to furnish proper documents and details and later it came to know that the Car was stolen by the petitioner.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he is no way connected to this case. Further, the property involved in this case has already been recovered. Further, he would submit that the petitioner has preferred bail petitions before the learned Principal District and Sessions Judge, Erode in Crl. M.P. Nos.327 of 2020 and 328 of 2020,

which was dismissed on 26.02.2020. Further, the learned Judge has also given a direction to the learned Judicial Magistrate II, Erode to dispose of the cases in C.C. Nos.12/2013 and 242/2009 on or before 15.03.2020 and also to submit a report. However, the said cases have not be disposed of within the period stipulated. Therefore, the second bail petition for Crime No.12 /2013 has been preferred and the same was dismissed by the learned Principal Sessions Judge, Erode on 17.04.2020. Subsequently, the petitioner moved the bail petition before this Court in Crl. OP No.7574 of 2020 and the same was dismissed on 14.05.2020. He further submitted that though this Court directed the trial court in Crl.OP.No.7881 of 2020 dated 10.06.2020 to complete the trial within a stipulated time, the trial court did not complete the trial as directed by this Court.

4. The learned Government Advocate(Crl.side) appearing for the respondent would submit that the case is of the year 2010. In short, he submitted that the Car bearing Regn. No.TN 39 U 6435 was driven by the petitioner and at the time of routine patrol, the respondent police enquired the petitioner for documents. For which, he has replied in a contradictory manner and he could not produce any documents pertaining to the said Car. Subsequently, he was arrested and the said Car was seized. Initially, the petitioner was granted bail and charge sheet was also filed. From the year 2015, the petitioner has absconded himself. Due to non compliance of bail conditions, NBW was executed. Thereafter, with great difficulty, the petitioner was remanded to judicial custody on 22.11.2019 in relation to C.C. Nos.12/2013 and C.C. No.242 of 2009 on the file of the learned Judicial Magistrate Court - II, Erode. Due to the pandemic situation of Covid - 19, the case could not be progressed. Now, the Courts in Erode district have lifted the lock down and the trial of this case would be completed within a time frame to be fixed by this Court. In this scenario, if the petitioner is granted bail, he would abscond and the trial of C.C. Nos.12/2013 and 242/2009 would be stalled. Hence, he vehemently oppose for grant of bail to the petitioner.

5. Heard the submissions made by either side and perused the materials placed before this Court.

6. On perusal of documents, it is clear that this Court, by order dated 14.05.2020, dismissed the said Criminal Original Petition by taking into account of the bad antecedents of the petitioner, In the aforesaid order, this Court has also recorded the submissions of the learned Additional Public Prosecutor appearing for the respondent that due to non appearance of the petitioner, NBW was issued. Further, the Investigating Officer and other witnesses have been examined. Now, the lock down lifted and the Court below has commenced its functioning. It is also seen that this Court dismissed the earlier bail petition filed by the petitioner on 10.06.2020. Now also there is no change of circumstances in this case.

7.Considering the above facts and circumstances of the case and also considering the fact that due to Covid-19, the trial court not able to complete the trial as directed by this Court, this Court is not inclined to consider the prayer sought for in this petition. However, the trial court is again directed to give top priority to complete the trial.

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

-sd/-
08/01/2021

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 INSPECTOR OF POLICE,
ERODE TOWN POLICE STATION,
ERODE.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE PRINCIPAL SESSIONS JUDGE
ERODE,

5 THE JUDICIAL MAGISTRATE II,
ERODE.

6 THE CHIEF JUDICIAL MAGISTRATE
ERODE[FOR INFORMATION]

7 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

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

CRL OP.20009/2020

Date :08/01/2021

KSM10/02/2021