



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.24478 of 2021

Manikandan

... Petitioner / Accused

Versus

The Inspector of Police,
Pallavaram Police Station,
Chengalpattu District,
(Crime No.548 of 2021)

... Respondent / Complainant

PRAYER: Criminal Original Petition is filed under Section 482 Cr.P.C. to direct the learned Principal District and Sessions Judge, Chengalpattu to dispose the petitioner's bail petition in Crl.M.P.No.5851 of 2021 on the file of the learned Principal District and Sessions Judge, Chengalpattu in Crime No.548 of 2021 pending investigation on the file of the respondent police as expeditiously as possible fixed by this Court.

For Petitioner	: Mr.B.Thiyagarajan
For Respondent	: Mr.E.Raj Thilak Additional Public Prosecutor.

O R D E R

This Criminal Original Petition is filed to direct the learned Principal District and Sessions Judge, Chengalpattu to dispose the petitioner's bail petition in Crl.M.P.No.5851 of 2021 on the file of the learned Principal District and Sessions Judge, Chengalpattu in Crime No.548 of 2021 pending investigation on the file of the respondent police as expeditiously as possible fixed by this Court.

2.The contention of the petitioner is that the petitioner was arrested in Crime No.548 of 2021 on 17.10.2021, for the alleged offence under Sections 147, 148, 341, 294(b), 307 and 435 IPC. The petitioner had moved a bail application before the Principal District and Sessions Court at Chengalpattu in Crl.M.P.No.5851 of 2021. The bail application was filed by the petitioner on 10.11.2021. Thereafter it has been periodically adjourned to various dates from 12.11.2021, 18.11.2021, 22.11.2021, 29.11.2021, 03.12.2021 and 08.12.2021. Each time by reporting various reasons stated as "At request", "Call on", "At



request of the Public Prosecutor, proposal pending", "Proposal pending", "For orders" and finally "At request of Public Prosecutor".

3.He further submits that the Lower Court had lost the sight of the fact that the petitioner is detained in prison. The bail application which cannot be adjourned for proposal pending. The discretion whether to grant or dismiss the bail application is the prerogative rights of the Lower Court on the merits of the case. Keeping the bail application is only prolonging agony of the petitioner, which is a violation of fundamental rights. Hence he filed the above said petition.

4.The learned Additional Public Prosecutor submits that on the request of the Public Prosecutor appeared before the Lower Court the case has been adjourned twice and for various reasons the case has been adjourned periodically.

5.Considering the submissions and on perusal of the case status extract, this Court finds that the petitioner's contention seems to be real and correct. The petitioner is under trial, the proposal might come or might not come for that reason adjourning the bail application is unfair. In view of the same, the learned Principal District and Sessions Judge at Chengalpattu is directed to consider the bail application independently on its own merits.

6.With the above observation, this Criminal Original Petition stands disposed of.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal District and Sessions Judge,
Chengalpattu.
2. The Inspector of Police,
Pallavaram Police Station,
Chengalpattu District.
3. The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.24478 of 2021

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NSK 03/01/2022