



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/11/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.16939 of 2021

Rajesh Kannan @ Kannan

... Petitioner/1st Accused

Vs

State Through
The Inspector of Police,
Odaipatti Police Station,
Theni District.
(Crime No.17/2018)

... Respondent / Complainant

For Petitioner : Mr.C.Prithviraj
Advocate

For Respondent : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor.

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

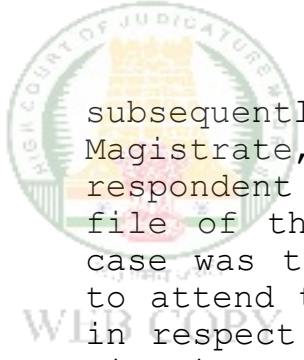
For Bail in Crime No.17 of 2018 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested on 01.03.2018 for the offence punishable punishable under Sections 397 and 341 IPC in Crime No.17 of 2018 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that on 01.03.2018 at about 07.30 hours, when the defacto complainant and her husband were at home, the petitioner and other accused persons came there and assaulted her husband and robbed gold ornaments and gold coins worth about Rs.15,000/-. Hence, the complaint.

3. The learned counsel appearing for the petitioner submits <https://hdsrcts.ecourt.gov.in/postvcts/> that the petitioner is an innocent and he has been falsely implicated in this case. He further submits that the petitioner was remanded in the above said case by the respondent Police and



subsequently, he was enlarged on bail by the learned Judicial Magistrate, Uthamapalayam. The charge sheet was filed by the respondent Police and taken on file in P.R.C.No.12 of 2019 on the file of the learned Judicial Magistrate, Uthamapalayam. When the case was taken up for hearing on 02.11.2020, the petitioner failed to attend the hearing since he was detained in the judicial custody in respect to Cr.No.1452/2020, Koodal Pudur Police Station, Madurai District. Hence, the learned Judicial Magistrate issued a Non-Bailable Warrant against the petitioner for his non-appearance for hearing. Subsequently, the Non-Bailable Warrant was executed and the petitioner was produced in PT Warrant on 18.01.2021 and the petitioner was arrested formally and remanded by the learned Judicial Magistrate under Section 209 Cr.P.C. for committal proceedings and taken for judicial custody. He further submits that in this case, the properties were recovered and investigation was completed and charge sheet was laid and taken on file in S.C.No.16 of 2021 on the file of the learned Additional District and Sessions Judge, Theni and posted for framing of charges. Hence, he prayed for grant of bail.

4. The learned Additional Public Prosecutor strongly opposed for grant of bail on the ground that the petitioner is involved in 38 cases, out of which, 12 cases are pending. The details of the cases pending against the petitioner are as follows:

- (i) Cr.No.243/2016 - u/s. 380 and 457 IPC
- (ii) Cr.No.414/2019 - u/s. 380 and 454 IPC
- (iii) Cr.No.111/2018 - u/s. 380 and 454 IPC
- (iv) Cr.No.110/2018 - u/s. 457 and 511 IPC
- (v) Cr.No.332/2016 - u/s.379 IPC
- (vi) Cr.No.17/2018 - u/s.34 and 397 IPC
- (vii) Cr.No.221/2017 - u/s. 379 IPC
- (viii) Cr.No.132/2019 - u/s.380 and 454 IPC
- (ix) Cr.No.1417/2020 - u/s.380 IPC
- (x) Cr.No.1452/2020 - u/s.392, 397 and 506(ii) IPC
- (xi) Cr.No.1193/2020 - u/s.380 and 457 IPC
- (xii) Cr.No.210/2020 - u/s.380 and 457 IPC

5. At this juncture, the learned counsel for the petitioner submits that the petitioner has already been enlarged on bail.

6. On verification, it is found that the petitioner has been enlarged on bail under Section 167(2) Cr.P.C.

7. Considering the fact that the petitioner is involved in several cases and most of the cases are similar in nature, this Court is not inclined to grant bail. Accordingly, the Criminal Original Petition is dismissed.

8. Considering the period of incarceration and also considering the charge sheet was laid and the same has been taken on file as S.C.No.16 of 2021 on the file of the learned Additional District and Sessions Judge, Theni and the same is posted for



framing of charges, this Court directs the trial Court to complete the trial in S.C.No.16 of 2021 and dispose of the case, within a period of two months from the date of receipt of copy of order.

9. This order also covers the twelve cases pending against this petitioner. The respondent Police shall produce this order before the concerned Court, where, the twelve cases are pending against the petitioner and produce the witnesses at the earliest and ensure that all 12 cases are concluded within the stipulated time, not later than two months from the date of receipt of a copy of this order.

sd/-
02/11/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNM/OGY

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1.THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,
THENI.
- 2.THE INSPECTOR OF POLICE,
ODAIPATTI POLICE STATION,
THENI DISTRICT.
- 3.THE SUPERINTENDENT,
CENTRAL PRISON,
MADURAI.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.16939 of 2021
Date :02/11/2021