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Crl.O.P.No.23556 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who was arrested and remanded to judicial custody on 20.12.2020 in S.C.No.130 of 2021 pending on the file of the learned Assistant Sessions Judge, Tiruvannamalai for the offences punishable under Sections 460, 395 r/w 397 of IPC, in Crime No.2794 of 2020, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de-facto complainant Raja is that on 19.12.2020, at night when he was sleeping in his house along with his family members, the accused broke the wooden door of his house and trespassed into his home and assaulted the de-facto complainant and his family members with iron rod, causing injuries and by threatening them with deadly weapons, robbed a sum of Rs.10,000/- cash, a mobile phone and 6.5 sovereign of gold from him. Hence the case.

3. Learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He



further submitted that the petitioner was arrested on 20.12.2020 and he is in custody for two years and he is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.

4. The respondent has filed a detailed counter. The relevant paragraphs of the counter is extracted here under:-

11. It is submitted that the petitioner/accused in a habitual offender. Apart from this case, the petitioner/accused is also involved in 8 criminal cases and the details is as follows:

Sl.No	Police Station, Crime Number and Section of Law	Stage of the case
1.	Kundrathur P.S., Cr.No.1235 of 2014, u/s.394 IPC	Pending Trial
2.	Kacharapalayam P.S., Cr.No.49 of 2019, u/s.395 IPC	Pending Trial
3.	Kacharapalayam P.S., Cr.No.712 of 2018, u/s.395, 397, 457 IPC @ 109, 395, 397 457 IPC	Pending Trial
4.	Kallakurichi P.S., Cr.No.658 of 2012, u/s.392 IPC	Pending Trial
5.	Kallakurichi P.S., Cr.No.655 2012, u/s.394, 397 IPC	Pending Trial
6.	Kallakurichi P.S., Cr.No.647 of 2012, u/s.324, 448, 109, 294(b), 307 r/w.4 of TNPWH	Pending Trial
7.	Rosanai P.S., Cr.No.45 of 2014, u/s.379 IPC	Pending Trial
8.	Tindivanam P.S., Cr.No.191 of 2014,	Pending Trial



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SL.No	Police Station, Crime Number and Section of Law	Stage of the case
	u/s.392 IPC	
9.	Thandarampet PS Cr.No.2794/2020 u/s 460, 395, 397 IPC @ 460,395, 397, 398, 34 IPC	Pending Trial

12. It is submitted that the above mentioned Previous case elaborate details of petitioner/Accused [A-3] is as follows:-

(i) Kundrathur Police Station Cr.no.1235/2014 u/s 394 IPC:-

It is submitted that in this case 3 accused namely A-1/ Kananaraj, A-2/Giri Petitioner herein, A-3/Prabhu were involved. Now the case investigation is completed. On 15.12.2014, charge sheet was filed before the Judicial Magistrate Court, Sriperumbudur and the same was taken on file and assigned C.C.No.453 of 2014, dated 26.12.2014. The next hearing date is 20.12.2022 for issued fresh summon to accused. In this case total no of Witnesses 10.

(ii) Kachirapalayam ps Cr.no.49/2019 u/s 395 IPC:-

It is submitted that in this case 11 accused namely A-1/Marimuthu, A-2/ Giri Petitioner herein, A-3/Kanagaraj, A-4/Balaji, A- 5/ Mohan, A-6/ Rajapandian @ Pandian, A-7/ Lakshmanan @ Chokal, A- 8/ Manikandan @ Mani, A-9/ Chandramurali, A-10 / Rajesh, A-11/ Baskar were involved. Now the case investigation is completed. On 27.06.2019 a charge sheet was filed before the Judicial Magistrate Court No-1, Kallakurichi and the same was taken on file and assigned PRC No.06 of 2019, dated 19.08.2019. The next hearing date is 29.11.2022 for issue fresh summon for A-1, A-2, A-6 to A-11, NBW Pending against A-3. In this case total no of Witnesses 11.

(iii) Kacharapalaym Police Station. Cr.No.712 of 2018,



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u/s.395,397.457 IPC @ 109, 395, 397, 457 IPC:-

It is submitted that in this case 11 accused namely A-1/Marimuthu, A-2/ Giri Petitioner herein, A-3/Kanagaraj, A-4/Balaji, A- 5/ Mohan, A-6/ Rajapandian @ Pandian, A-7/ Lakshmanan @ Chokal, A- 8/ Manikandan @ Mani, A-9 / Chandramurali, A-10 / Rajesh, A-11/ Baskar were involved. Now the case investigation is completed. On 27.06.2019 a charge sheet was filed before the Judicial Magistrate Court No-1, Kallakurichi and the same was taken on file and assigned PRC No.07 of 2019, dated 19.08.2019. The next hearing date is 29.11.2022 for issue fresh summon for A-1, A-2, A-6 to A-11. NBW Warrant pending against A-3. In this case total no of Witnesses 13.

(iv) Kallakurichi Police Station. Cr.No.658 of 2012, u/s.392 IPC:-

It is submitted that in this case 2 accused namely A-1/Senthil Kumar, A-2 / Giri Petitioner herein, were involved. Now both the accused is convicted on 11.07.2018, for u/s.392 IPC-50 days Rigorous Imprisonment with fine Rs.100/- Vd.7 days Simple Imprisonment on the file of the Judicial Magistrate Court No-1, Kallakurichi vide C.C.No.159 of 2014. In this case total no of Witnesses 13.

(v) Kallakurichi Police Station Cr.No.655 of 2012, u/s.394, 397 IPC:-

It is submitted that in this case 2 accused namely A-1/Giri Petitioner herein, A-2/ Senthil Kumar were involved. Now the case investigation is completed. On 20.06.2012 a charge sheet was filed before the Judicial Magistrate Court No-1, Kallakurichi and the same was taken on file and assigned PRC No.30 of 2014, dated 30.04.2014 and latter committed before the Additional Sessions Court, Kallakurichi vide S.C.No.64 of 2015, dated 17.02.2015. The next hearing date is 13.12.2022 for NBW



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Warrant pending against A-1/petitioner herein. In this case total no of Witnesses 10.

(vi) Kallakurichi Police Station, Cr.No.647 of 2012, u/s.324, 448, 109, 294(b), 307 IPC, r/w.4 of TNPWH Act

It is submitted that in this case 2 accused namely A-1/ Senthil Kumar, A-2/ Giri Petitioner herein were involved. Now the case investigation is completed. On 08.06.2012 a charge sheet was filed before the Judicial Magistrate Court No-1, Kallakurichi and the same was taken on file and assigned PRC No.35 of 2014, dated 30.04.2014 and latter committed before the Principal District and Sessions Judge, Villupuram vide S.C.No.65 of 2015, dated 17.02.2015. The next hearing date is 13.12.2022 for NBW Warrant pending against A-2/petitioner herein. In this case total no of Witnesses 11.

(vii) Tindivanam Police Station Crime No.191 of 2014, u/s.392 IPC @ 397 IPC

It is submitted that in this case 3 accused namely A-1/ Kananaraj, A-2/Bala, A-3/Giri Petitioner herein were involved. Now the case investigation is completed. On 12.07.2014, charge sheet was filed before the Judicial Magistrate Court, Tindivanam and the same was taken on file and assigned PRC No.21 of 2016, dated 15.07.2014 and later committed before the Principal Sessions Court, Tindivanam vide S.C.No.214 of 2016, dated 26.08.2016. The next hearing date is 02.01.2023 for NBW Warrant pending against A-1 & A-2. In this case total no of Witnesses 12.

(viii) Thandarampet Police Station. Crime Number 2794 of 2020, u's 460,395, 397 IPC @ 460, 395, 397, 398, 34 IPC:-

It is submitted that in this case 7 accused namely A-1/ Baskar, A-2/Mari Marimuthu, A-3/ Giri Petitioner herein, A-4/Rajapandian, A-5/ Lakshmanan @ Chokan, A-6 / Santhosh, A-



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7 / Arun Kumar were involved. Now the case investigation is completed. On 23.02.2021, charge sheet was filed before the Judicial Magistrate Court, Thandrapattu and the same was taken on file and assigned PRC No.07 of 2021, dated 16.03.2021 and later committed before the Assistant Sessions Judge, Tiruvannamalai vide S.C.No.130 of 2021, dated 07.09.2021. The next hearing date is 16.10.2022 for appearance of accused A-4, A-5, A-7 and NBW Warrant pending against A-1 & A-2. In this case total no of Witnesses 19."

5. Per contra, the learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner is a habitual offender against whom several cases for robbery are pending from the year 2014 in various police stations of various districts. He also submitted that with great difficulty, the respondent has arrested the accused and only after his arrest, the respondent came to know about the previous cases pending as against the petitioner. He also stated that some of the co-accused are also absconding and if bail is granted to the petitioner at this stage, there is every possibility for him to flee away from the clutches of law. Hence, he vehemently opposed to grant bail to the petitioner.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel and also taking note



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of the previous antecedents of the petitioner, this Court is not inclined to grant bail to the petitioner.

7. At this juncture, the learned counsel for the petitioner submitted that the petitioner is in custody for about 2 years and therefore, a direction may be issued to the Courts concerned to complete the trial in respect of the petitioner within a specific time.

8. Accordingly, this Criminal Original Petition stands dismissed. However, direction is issued to the Courts below to complete the trial in respect of all the cases as expeditiously as possible preferably within a period of 9 months from the date of receipt of a copy of this order.

01.12.2022

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Note: Send the order copy to all the trial Court.



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