



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 05/01/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

WEB COPY

CRL OP(MD). No.71 of 2022

Sandiyar @ Shanmugam

... Petitioner/Accused
(Rank Not Known)

Vs

The State rep.by
The Inspector of Police,
Sengipatti Police Station,
Thanjavur District
(Crime No.37 of 2020).

... Respondent/Complainant

For Petitioner : Mr.LENIN KUMAR.T., Advocate.

For Respondent : Mr.SS.MADHAVAN, Government Advocate (Crl.Side)

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

PRAYER :- For Bail in Crime No.37 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

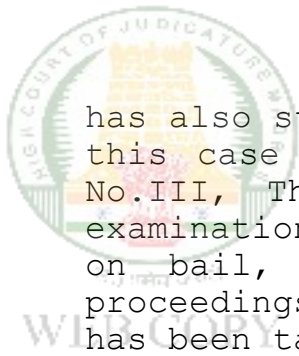
The petitioner/Accused herein, who was arrested on 17.07.2021 for the alleged offence under Sections 392 IPC, in Crime No.37 of 2020, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 09.03.2020 when the defacto complainant was standing in the place of occurrence, two unknown persons came in two wheeler under the guise of enquiry of an address, snatched 10 soverigns of gold chain from the defacto complainant.

3.The petitioner has been arrested during the Course of investigation on 17.07.2021. Ever since, he is in custody. According to the learned counsel for the petitioner, even as per the contention of the FIR two unknown persons were snatched the gold chain. The name of the accused persons were not mentioned.

4.The learned Government Advocate (Crl. Side) submitted that the petitioner is involved in three previous cases, out of which two are similar in nature. On that ground the learned Principal District Judge, Thanjavur dismissed the bail application moved by the petitioner.

5.Considering the antecedents of the petitioner, even he is in custody from 17.07.2021, the bail application filed by him came to be dismissed by the learned Principal District Judge, Thanjavur. He



has also stated in his order that the charge sheet has been filed in this case and taken cognizance by the learned Judicial Magistrate No.III, Thanjavur in C.C.No.42 of 2021. Now it was posted for examination of Investigating Officer. If the petitioner is released on bail, there is a chance to abscond and stall the trial proceedings. Absolutely, I find no reason to differ the view that has been taken by the learned Principal District Judge, Thanjavur.

6.The learned counsel for the petitioner submitted that due to the pandemic situation, the trial could not be completed. But only Investigating Officer alone to be examined. It will take a month alone to complete the trial process. So the bail application is not entertainable.

7.However, there shall be a direction to the learned Judicial Magistrate No.III, Thanjavur to complete the trial process pending against the petitioner in C.C.No.42 of 2021 on his file, within a period of one month from the date of receipt of a copy of this order.

8.With the above directions, this Criminal original Petition is dismissed.

sd/-

05/01/2022

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/ /2022

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

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 JUDICIAL MAGISTRATE NO.III, THANJAVUR
- 2 DO-THROUGH :THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
- 4 THE INSPECTOR OF POLICE
SENGIPATTI POLICE STATION, THANJAVUR DISTRICT
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

CRL OP(MD) No.71 of 2022

Date :05/01/2022

SA/CN/SAR.4/10.01.2022/2P/6C

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