

Crl.O.P.No.16070 of 2015**R.SUBBIAH, J.**

The petitioner, who was arrested on 20.10.2014 for the alleged offences punishable under Sections 148, 449, 302 r/w 109 IPC in Crime No.428 of 2014 on the file of the respondent-Police, seeks the relief of bail.

2.The case of the prosecution, in brief, is as follows:-

The complaint was lodged by one Tmt.Josemin Mary stating that her husband Thanraj was running a cable TV business in Kallakurichi for the past several years. While so, on the instigation of A8, the accused 1 to 7 colluded with each other and threatened the defacto-complainant's husband to give the cable TV business to them or to pay an amount to them. But, the husband of the defacto-complainant refused to accept the demand made by the accused persons. Hence, the accused persons conspired with each other and murdered the husband of the defacto-complainant on 05.01.2006 in his office located at Kallakurichi. Hence, the complaint has been lodged by the defacto-complainant. The petitioner herein has been arrayed as 6th accused in this case case. On completion of

investigation, the respondent-Police has filed charged-sheet in PRC.No.39 of 2008 on 14.10.2008 and thereafter, the case was committed to the learned III Additional Sessions Judge, Villupuram viz., S.C.No.218 of 2010 on 22.06.2010. Subsequently, the accused Nos.1 to 5 were acquitted by the Court below by order dated 30.01.2013. During the course of trial, as NBW was issued against A6 & A7, the case was split up vide., S.C.No.438 of 2014 and the same is still pending for trial. On 03.07.2015 charges were framed. The petitioner herein/A6 was already remanded in Vellore Central Prison in connection with another criminal case in Annamalai Nagar Police Station Crime No.243 of 2014 under Section 302 IPC. The petitioner herein/A6 is also involved in another two cases similar in nature. On 20.10.2014, the respondent-Police formally arrested the petitioner/A6, who was already remanded in Vellore Central Prison. Now, the case in S.C.No.438 of 2014 is pending against the petitioner and charges have been framed and the case has been posted to 21.07.2015 for examination of prosecution witnesses.

3.The learned counsel for the petitioner/A6 submitted that the petitioner has been in inside the prison for more than nine months and trial has not commenced so far. The learned counsel for the petitioner

further submitted that the petitioner is prepared to appear before the Trial Court on all hearing days without fail. Thus, he sought for grant of bail.

4.The learned Government Advocate (Crl.Side) opposed the grant of bail to the petitioner stating that the occurrence is of the year 2005 and now almost 10 years have lapsed and the charges have been framed and the case has been posted for examination of prosecution witnesses. The petitioner is also involved in another two criminal cases, including one murder case. That part, the petitioner is also having life threat and at the time of every hearing, 40 armed police personnel are giving protection to the petitioner. Thus, the learned Government Advocate sought for dismissal of the bail petition.

5. I have carefully hearing the submissions made on either side and perused the materials available on record and I find that the occurrence is of the year 2005 and now almost 10 years have lapsed; charges have been framed; the case has been posted for examination of prosecution witnesses. Considering the facts and circumstances of the case and taking note of the gravity of the offence, I am of the opinion, that at this stage, the bail application cannot be considered.

Hence, I am not inclined to grant bail to the petitioner. The petition is liable to be dismissed.

In fine, the criminal original petition is dismissed. However, the Court below is directed to dispose of the case as early as possible, preferably on or before 31.08.2015.

10.07.2015

SSV

R.SUBBIAH, J.

SSV

Pre-delivery order
in
Crl.O.P.No.16070 of 2015

10.07.2015