



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Tuesday, the Third day of November Two Thousand Fifteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.19594 of 2015

BABU

... PETITIONER / ACCUSED No.1

Vs

THE STATE REP.BY THE INSPECTOR OF POLICE
PALANI TALUK POLICE STATION,
PALANI, DINDIGUL DISTRICT.
(CRIME NO. 891 OF 1997)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.POORNA CHANDRAN Advocate

For Respondent : Mr.K.Anbarasan Government Advocate (Crl.Side)

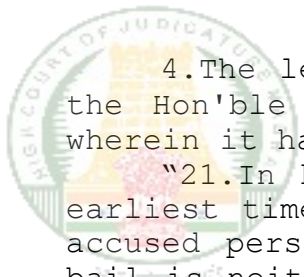
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused No.1 was arrested and remanded to judicial custody on 25.09.2012 for the alleged offences punishable under Sections 302, 376, 201 r/w. 34 IPC in Crime No.891 of 1997 on the file of the respondent police and hence, seeks bail.

2.According to the petitioner, he is in judicial custody for more than three years and all other accused persons have been acquitted by the Sessions Court on 23.05.2005 in S.C.No.147 of 2001. Earlier the petitioner filed an application in Crl.O.P.(MD)No.11216 of 2015 before this Court seeking bail. Considering the fact that the occurrence had taken place in the year 1997 and NBW was issued against the petitioner, this Court dismissed the application with a direction to dispose of the case in S.C.No.48 of 2013, as expeditiously as possible, preferably on or before 21.08.2015. Again the petitioner has filed another application in Crl.O.P.(MD)No.17257 of 2015 seeking bail. By the order dated 11.09.2015, this Court dismissed the petition with a direction to the Trial Court to dispose of the case on merits within a period of two weeks from the date of receipt of the copy of that order.

3.The present petition is filed for enlarging the petitioner on bail. The learned counsel for the petitioner submitted that the petitioner was enlarged on bail on 31.10.1998 and due to his poverty, he went to Mumbai. The respondent police arrested the petitioner and remanded to judicial custody on 25.09.2012. He is in custody for more than 1111 days. All other accused were acquitted by Sessions Court on 23.05.2005 in S.C.No.147 of 2001.



4.The learned counsel for the petitioner has relied on a decision of the Hon'ble Supreme Court in **2012 (1) SCC 40 (SANJAY CHANDRA v. CBI)**, wherein it has been held as follows:-

"21.In bail applications, generally, it has been laid down from the earliest times that the object of bail is to secure the appearance of the accused person at his trial by reasonable amount of bail. The object of bail is neither punitive nor preventative. Deprivation of liberty must be considered a punishment, unless it is required to ensure that an accused person will stand his trial when called upon. The Courts owe more than verbal respect to the principle that punishment begins after conviction, and that every man is deemed to be innocent until duly tried and duly found guilty."

5.The learned Government Advocate (crl. side) has submitted that the Trial is posted on 06.11.2015 for examination of the Investigating Officer and the Trial will be completed within four weeks.

6.Considering the fact that when the petitioner was enlarged on earlier occasion, he went to Mumbai and subsequently he was arrested, the Judgment relied on by the learned counsel for the petitioner does not advance the case of the petitioner and considering the gravity of the offence and also considering the fact that the Trial is posted to 06.11.2015 and will be concluded within a short period, I am not inclined to grant bail to the petitioner. Hence, this Criminal Original Petition is dismissed with a direction to the Trial Court to complete the trial on or before 31 December 2015.

sd/-
03/11/2015

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, PALANI.
- 2 DO THRO THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL.
3. THE DISTRICT SESSIONS JUDGE, DINDIGUL
- 4 THE INSPECTOR OF POLICE, PALANI TALUK POLICE STATION,
PALANI, DINDIGUL DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
- 6 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
- +1. CC to M/S.S.POORNA CHANDRAN Advocate SR.No.64562.

TS/20.11.2015/2P-8C/AAL-MPA/SAR II