

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twentieth day of June Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice S. VAIDYANATHAN

CRIMINAL ORIGINAL PETITION No.7464 of 2017

IN

S.C.NO.78 OF 2016

[On the file of CBCID, Namakkal, Principal District Court,
Namakkal]

ARUN

[PETITIONER / ACCUSED]

Vs

THE STATE REP.BY
INSPECTOR OF POLICE,
CBCID, NAMAKKAL,
NAMAKKAL DISTRICT
CR.NO.2/2015

[RESPONDENT]

For Petitioner : M/S.M.ELANGO Advocate

For Respondent : MR.M.GOVINDARAJ ADDITIONAL PUBLIC PROSECUTOR

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, viz Arun/A2, who was arrested on 11.10.2015 by the respondent police for the alleged offences punishable under Sections 120-B, 364, 34 r/w 109, 384, 465, 468, 471 r/w 468, 302, 201, 212, 216 IPC and Section 3(2)(V) of the SC and ST (Prevention of Atrocities) Act on the file of the respondent police, seeks bail.

2. The case of the prosecution is that there was a complaint made by one Chithra that her son was missing and later it was found that her son was abducted and murdered. There are about 17 accused in this case and a case has been registered in Crime No.289 of 2015 for the above said offences and charge sheet has also been filed.

3. According to the learned counsel for the petitioner, all the accused, except the petitioner/A2, have come out on bail and with regard to A1, bail was granted by this Court in CrI.O.P.No.8350 of 2016 vide order dated 26.05.2016 and that the accused is in custody for more than a year and the matter is pending before the Sessions Court in S.C.No.78 of 2016.

4. This Court, by a detailed order dated 08.08.2016, dismissed

the bail petition filed by the petitioner herein in Crl.O.P.No.14069 of 2016, taking note of the fact that it appears to be a case of honour killing and that the present petitioner has confessed voluntarily that he was involved in the abduction and murder of Gokulraj. To strengthen his confession, the CCTV footage at Arthanareeswarar Temple shows that the petitioner/A2 has accompanied the deceased from the Temple while he was being abducted. Further, in the identification parade, Swathi, lover of the deceased Gokulraj rightly identified the petitioner/A2 as one of the accused involved in the crime.

5. As I find that there is no change in the circumstances and that the petitioner/A2 appears to be a partner in the crime, the contention of the learned counsel for the petitioner that A1 was granted bail by this Court and hence, the petitioner / A2 cannot languish in jail, is not acceptable.

6.This Court, by an order dated 08.08.2016, while dealing with Crl.M.P.No.7557 of 2016 in Crl.O.P.No.8350 of 2016, filed by A1, has directed the Sessions Court to take up the matter on a day-to-day basis and further directed that the matter shall not be adjourned beyond two weeks at any point of time. According to the learned counsel appearing for the petitioner/A2, A-1 has obtained bail from this Court in Crl.O.P.No.8350 of 2016, by an order dated 26.05.2016.

7. Learned Additional Public Prosecutor submitted that charges are yet to be framed. However, he submitted that the delay is on account of the fact that A1 has filed four miscellaneous petitions before the lower Court, one seeking for translation of documents from English version to Tamil version, another for change of counsel, and for marking of additional documents under Section 207 Cr.P.C and lastly, seeking his presence under Section 323 Cr.P.C. before the Court below and that all the said four petitions have been disposed of.

8.Taking note of the fact that there is delay in commencing the trial, the Sessions Court is directed to proceed with the matter as directed by this Court in the order dated 08.08.2016. This Court makes it very clear that if any miscellaneous petition is filed, it shall also be dealt with on a day-to-day basis without any delay and it shall not be adjourned beyond five working days at any point of time. This Court expects the Sessions Court to complete the matter, as expeditiously as possible, preferably within a period of six months from the date of receipt of a copy of this order. Non-cooperation by any one of the accused, will entitle the prosecution to seek extension of time to complete the trial.

With the above direction, this Criminal Original Petition is dismissed.

-sd/-
20/06/2017

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE CBCID,
NAMAKKAL,
PRINCIPAL DISTRICT COURT,
NAMAKKAL.

2 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CBCID, NAMAKKAL,
NAMAKKAL DISTRICT

+1CC to M/S.M.ELANGO Advocate on payment of necessary charges
SR NO.11019

CRL OP.7464/2017

Date :20/06/2017

MK:04/07/2017