

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Eighth day of July Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice P. KALAIYARASAN

CRIMINAL ORIGINAL PETITION No.12564 of 2017

ANNALAKSHMI

[PETITIONER / ACCUSED]

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
UDUMALPET POLICE STATION
CR.NO.194 OF 2016.

[RESPONDENT]

VELUSAMY

[PETITIONER/INTERVENOR/FATHER IN
LAW OF DEFACTO COMPLAINANT

(AS PER ORDER OF THIS COURT DATED IN CRL.MP.NO.9443/2017
IN CRL.OP.NO.12564/2017)

For Petitioner : M/S.I.ABRAR MD ABDULLAH Advocate

For Respondent : MR. C. IYYAPPARAJ, Additional Public Prosecutor

For Intervener: MR. J. SARAVANAVEL, Advocate

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

Heard the learned counsel appearing for the petitioner, learned Additional Public Prosecutor and also the learned counsel appearing for the Intervenor.

2. The petitioner is alleged to have committed offence under Sections 147, 148, 307, 302 and 109 IPC and Section 3 (2) (Va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.

3. It is averred in the petition that the petitioner is innocent of the offences; that she surrendered before the Judicial Magistrate Court, Theni on 28.03.2016 and since then she has been in custody; that her son who is doing first year degree course is facing financial crisis even to pay college

fees; that the prosecution case is that the petitioner's daughter Kausalya married one Sankar who belongs to different caste and he was murdered by six persons; that the petitioner will not tamper with the evidence and therefore, she may be enlarged on bail.

4. The learned counsel appearing for the petitioner contends that the petitioner being lady has to look after his son who is studying first year degree course and trial may take more time to complete and therefore, she may be released on bail.

5. The learned Additional Public Prosecutor per contra contends that it is a "Honour killing"; that the petitioner hatched conspiracy with others and murdered Shankar by engaging higher lings. While dismissing the bail petition moved by the co-accused, this Court directed to complete the trial within three months, i.e., before the end of September 2017. After completion of prosecution evidence, accused were questioned under Section 313(1) (b) Cr.P.C and the case is now posted on 02.08.2017 for examination of defence witnesses. Therefore, the trial will be completed by the Sessions Court within the stipulated time.

6. The learned counsel appearing for the intervenor also reiterated the same contentions as raised by the learned Additional Public Prosecutor.

7. Admittedly, as per the order of this Court, the trial is to be completed before the end of September 2017. All prosecution witnesses have been examined and the accused have also been questioned under Section 313 (1) (b) Cr.P.C. After alteration of charges the witnesses already examined were recalled and examined. Now the case is posted to 02.08.2017 for examination of defence witnesses.

Considering the stage of the trial and the direction already given by this Court to the trial Court to dispose of the case within the stipulated time, this Court is not inclined to enlarge the petitioner on bail and accordingly, this petition is dismissed. The petitioner is at liberty to move this Court if the trial is not completed within the stipulated time, i.e., end of September 2017.

-sd/-

28/07/2017

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 JUDICIAL MAGISTRATE,
THENI

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR (FOR INFORMATION)

3 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 STATE REP.BY
THE INSPECTOR OF POLICE, UDUMALPET POLICE
STATION CR.NO.194 OF 2016.

+1 CC to M/S.I.ABRAR MD ABDULLAH Advocate on payment of
necessary charges Sr.No.14332

CRL OP.12564/2017

Date :28/07/2017

MD: 01/08/2017