

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.07.2019

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.Nos.16157 & 16178 of 2019

Kumar ... Petitioner in both the Crl.O.Ps

-Vs-

The state Rep. by
Inspector of Police,
NIB CID Salem,
Cr.Nos.156 & 148/2016.

...Respondent in both the Crl.O.Ps

Common Prayer: Criminal Original Petitions filed under Section 439 of Code of Criminal Procedure, to enlarge the petitioner on bail in connection with the case in C.C.Nos.20 and 19 of 2017, on the file of III Additional District Judge, Salem.

(In both the Crl.O.Ps)

For Petitioner : M/s.R.Jeevitha

For respondent : Mr.M.Mohamed Riyaz
Additional Public prosecutor

COMMON ORDER

This Court had called for a report from the Special Judge dealing with the trial in C.C.Nos.19 and 20 of 2017. The learned

<http://www.judis.nic.in> Special Judge has submitted that the accused persons are

absconding one after another and therefore Non-bailable warrant is issued to secure them. Therefore, there is no progress in the case. Presently A1 did not appear before the Court and Non-bailable warrant is pending against him.

2.The trial Court is not expected to show its helplessness and it has to be more proactive. If the accused persons who are on bail do not report at the time of hearing and are adopting dilatory tactics, they can always be remanded to custody as laid down by the Hon'ble Supreme Court in **State of Uttarpradesh v. Shambhu Nath Singh and Ors.** reported in **JT 2001 (4) SC 319**. This Court already fixed the time limit to complete the proceedings and if the accused persons are adopting dilatory tactics, they can be called before the Court and remanded to custody till the completion of proceedings. This is the only way to ensure that the trial is completed within the reasonable time.

3.This Court is not able to find any change and circumstances in these petitions and therefore there are no grounds to entertain in these bail petitions.

4.The Court below is directed to complete the proceedings in C.C.Nos.19 and 20 of 2017 within a period of three months from

the date of receipt of copy of this order. The trial shall be conducted on a day-to-day basis and in accordance with the guidelines given by the Hon'ble Supreme Court in ***Vinod Kumar v. State of Punjab*** reported in ***2015 3 SCC 220***.

5.Both the Criminal Original Petitions are dismissed.

11.07.2019

vs

Index : Yes/No

Internet : Yes/No

To

1.The III Additional District Judge,
Salem.

2.The Inspector of Police,
NIB CID, Salem.

3.The Public Prosecutor,
High Court, Madras.

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N.ANAND VENKATESH.,J.

VS



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