

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.09.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.No.14734 of 2020

Anand

S/o.V.Sakthivel

... Petitioner

Vs.

State rep. by

Inspector of Police,

CBCID Police Station, Nagapattinam,

Nagapattinam District.

(Crime No.01 of 2015)

..... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.01 of 2015 on the file of the above respondent police.

For Petitioner : Mr.S.Alan David Rufus

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 17.12.2019 for the offences punishable under Section 449, 452, 393, 394, 397, 392, 398, 302, 307, 449, 109, 452, 34 and 404 IPC, in Crime No.01 of 2015, on the file of the respondent police, seeks bail.

2.The learned counsel appearing for the petitioner would submit that the petitioner was arrested and remanded to judicial custody on 17.12.2019 and he would further submit that the occurrence is of the year 2011 and originally the case was registered by the Sirkali Police Station. Thereafter, since there was no clue and progress in the investigation, the case was transferred to the file of the respondent during the year 2015. After four years, the petitioner was arrested on 17.12.2019 on suspicion and the petitioner is in custody for more than nine months. He would further submit that the earlier bail application was dismissed by this Court in Crl.O.P.No.10557 of 2020 vide order dated on 20.07.2020, with a direction to the Trial Court to complete the trial within a period of twelve weeks, however, due to this prevailing pandemic situation, it is not possible for the trial Court to complete the trial within the time frame fixed by this Court, He would further submit that the petitioner is innocent and he has been arrested only based on the suspicion, thereby he would seek for bail.

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S.Per contra, learned Government Advocate (Crl.side) would

submit that it is the case where three persons have been murdered for gain. The accused along with the other accused while committing the robbery, committed the murder of three persons, he would further submit that the bail application filed by the co-accused who is also similarly placed came up for consideration in Crl.OP.No.9741 of 2020 before this Court and His Lordship Mr.Justice G.K.I.Lanthiraiyan, was pleased to dismiss the petition with a direction to the trial Court to complete the trial within a period of 12 months. In respect of another accused, His Lordship Mr.Justice R.Subramanian, vide order dated 27.08.2020 in Crl.O.P.No.12145 of 2020 also passed similar order directing the Trial Court to complete the trial within the specific period. He would further submit that the accused was secured with very great difficulty.

4.Originally the case had been registered by Sirkali Police Station in Crime No.527 of 2011, since there was no progress in the investigation, the case had been transferred to the file of the respondent/CBCID and after five years, they were able to make a break through in the case and arrested the accused on 17.12.2019. Since there is already a direction of this Court and three orders have been passed by this Court directing the Trial Court to complete the trial within the stipulated time and there is no change of circumstances, this bail petition cannot be considered.

5.This Criminal Original Petition stands dismissed accordingly.

-sd/-

21/09/2020

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,
NAGAPATTINAM

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY

4 THE INSPECTOR OF POLICE,
CBCID POLICE STATION
NAGAPATTINAM, NAGAPATTINAM DISTRICT.

CC to M/S.S.ALAN DAVID RUFUS Advocate on payment of necessary charges

CRL OP.14734/2020

Date :21/09/2020

RD 28/09/2020

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