

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.10.2020

CORAM

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

CrI.O.P.No.15640 of 2020

Selvam

... Petitioner

Vs.

State rep. by

The Inspector of Police,
Harur Police Station
Dharmapuri District
(Crime No.1018 of 2001)

... Respondent

PRAYER: Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail pending trial in S.C.No.107 of 2014 on the file of Sessions Judge (Fast Track Mahila Court, Dharmapuri)..

For Petitioner : Mr.V.R.Annagandhi

For Respondent : Mr.T.Shunmugarajeswaran

Government Advocate (CrI. 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 07.12.2018, for the offences punishable under Section **302 IPC**, in Crime No.1018 of 2001, seeks bail.

2.It is a case of jumped bail. The petitioner is the sole accused facing trial in S.C.No.107 of 2014 for the offences punishable under Section 302 IPC. Since the petitioner has failed to appear before the Trial Court on 26.05.2015, the Trial Court had issued NBW against the petitioner, pursuant to which, the petitioner was arrested on 07.12.2018.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and that on 26.05.2015, the petitioner was not able to appear before the Trial Court due to illness and thereby, the learned Trial Judge had issued NBW against him. He would further submit that the petitioner was arrested on 07.12.2018.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently oppose stating that it is a case of the year 2001 and that the petitioner had committed murder of his own daughter aged about 9 years. He would further submit that the petitioner was arrested and he was granted bail, thereafter, the case was taken up for trial in S.C.No.107 of 2014, on the file of the Sessions Court, Fast Track Mahila Court, Dharmapuri. While the trial was on progress, the petitioner absconded on 26.05.2015, thereby, the Trial Court had issued NBW and pursuant to which, the petitioner was arrested after 3 ½ years i.e. on 07.12.2018. He would further submit that there are totally 15 witnesses in this case and so far 13 witnesses have been examined and cross examination is also over and that the Investigating Officer and the Doctor remain to be examined. He would further submit that the warrant against the petitioner was executed with very great difficulty and he could be secured only after 3 ½ years. At this juncture, if the petitioner is granted bail, there is every possibility of him getting absconded which would derail the progress of trial.

5.Heard the learned counsel on either side. Perused the documents placed on record.

6.Taking into consideration of the fact that the petitioner has been absconding from 26.05.2015 and further he was secured only after 3 ½ years and moreover, the trial is in final stage and only two more witnesses are to be examined, this Court is not inclined to grant bail to the petitioner. However, direction is issued to the learned Trial Judge to complete the trial and render judgment as expeditiously as possible, preferably within a period of five months from the next hearing date.

7.This Criminal Original Petition stands dismissed accordingly.

सत्यमेव जयते

-sd/-

05/10/2020

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 SESSIONS COURT,
FAST TRACK MAHILA COURT,
DHARMAPURI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

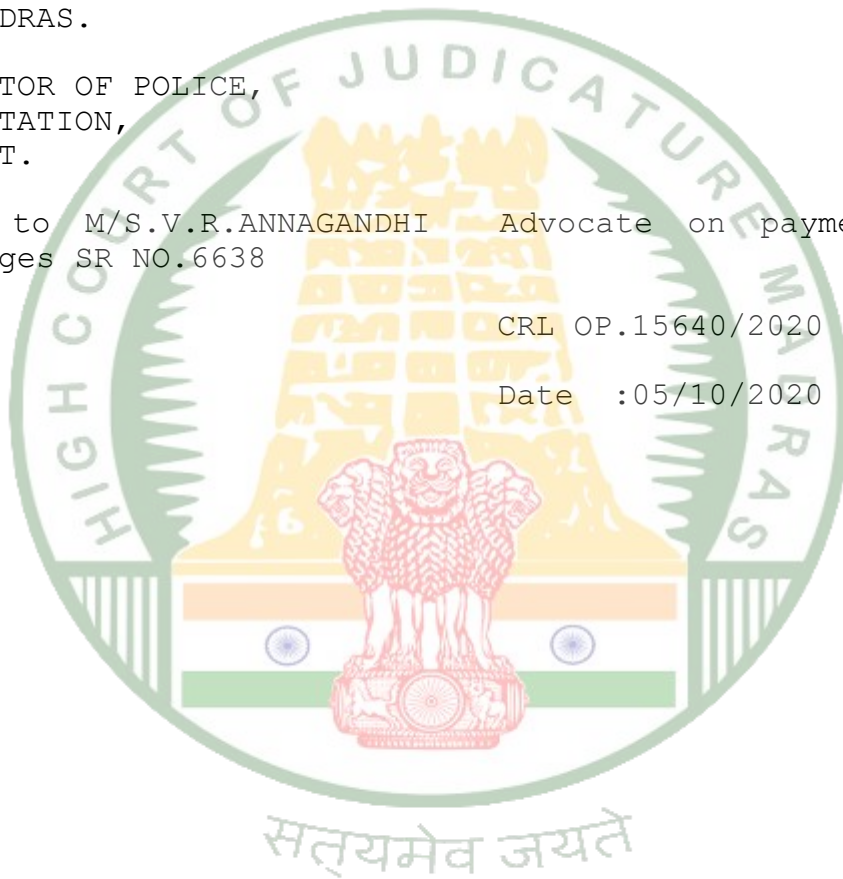
4 THE INSPECTOR OF POLICE,
HARUR POLICE STATION,
DHARMAPURI DIST.

+1CC to M/S.V.R.ANNAGANDHI Advocate on payment of
necessary charges SR NO.6638

CRL OP.15640/2020

Date :05/10/2020

MK:15/10/2020



WEB COPY