



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 02/11/2020

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.12089 of 2020

Arun

... Petitioner/Accused No.2

Vs

1.State, rep.by,
The Deputy Superintendent Of Police,
CBCID Namakkal,
Crime.No.2/2015.

... Respondent No.1/Complainant

2. V.Chithra

... Respondent No.2/Defacto complainant

For Petitioner : Mr.Gopalakrishna C.Raju for S.G.L.Rishwanth,
Advocate.

For Respondent No.1 : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)
No.2 : Mr.Raja Anandan
Advocate

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.2 of 2015 on the file of the Respondent Police.

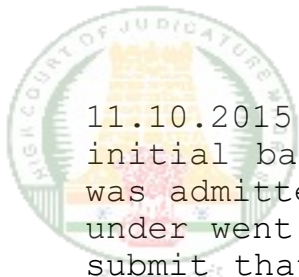
ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 11.10.2015 for the offences punishable under Sections 120(B), 364, 384 r/w.149, 465, 468, 471, 302 r/w. 149, 201 r/w.149 of IPC and Section 3(2)(v) SC/ST(POA) Act and 3(2)(v) SC/ST(POA) Act r/w.149 IPC.

2.This petition has been filed for bail in Spl.S.C.No.31 of 2019 on the file of the III Additional Sessions Judge (PCR) Madurai.

3. The learned counsel for the petitioner would submit that the petitioner was arrested and remanded to judicial custody on

<https://hcservices.ecourts.gov.in/hcservices/>



11.10.2015 and arrayed as A2. He would also submit that though initial bail petitions were dismissed by this Court now his father was admitted in the hospital with illness of fourniere's gangrene and underwent surgery three times and now he is dead bed. He would also submit that the petitioner is in jail for nearly five years without even seeing his own father. He further submitted that since the petitioner is an under trial prisoner he could not move for parole under the Tamil Nadu Prison Manual. Hence he seeks for interim bail.

4. The learned Government Advocate (Crl.Side) would submit that there are totally 17 accused in this case and the petitioner herein is arrayed as A2 and it is a case of honour killing. He further submitted that originally the case pending trial before the Principal District Court, Namakkal and only on the intervention of the accused persons the trial has been transferred to the file of III Additional Sessions Judge (PCR) Madurai and it is pending for trial. The prosecution has examined 82 witnesses and pending for examination of other witnesses and due to covid-19 pandemic the trial Court is unable to proceed with the trial. He would also submit that bail petition of the co-accused persons were dismissed by this Court as well as the Honourable Supreme Court and the Honourable Supreme Court has also directed the trial Court to complete the trial within the stipulated time. He would also submit that the initially petitioner's father was admitted in the hospital on 14.10.2020 and thereafter discharged on 27.10.2020 and now he is not in dead bed condition. At this juncture if the petitioner is released on bail, there is every possibility of escaping from the custody. Hence he opposed to grant bail to the petitioner.

5. The learned counsel for the defacto complainant/second respondent would submit that it is case of honour killing and both the boy and girl were only friends and they never fell in love. He would also submit that initially petitioner's father was admitted in the hospital on 14.10.2020 and thereafter discharged on 27.10.2020 and now he is not in dead bed condition. Hence he opposed to grant bail to the petitioner.

6. It is seen that there are totally 17 accused in this case and the petitioner herein is arrayed as A2 and it is a case of honour killing, in which the petitioner herein is hired by A1 to murder the boy even before the marriage. Already the case has been transferred from the file of the Principal District Court, Namakkal to the file of III Additional Sessions Judge (PCR) Madurai and it is pending for trial. Now the prosecution has examined 82 witnesses and 36 witnesses are yet to be examined and due to covid-19 pandemic the trial Court is unable to proceed with the trial. The only ground raised by the petitioner is that his father was admitted in the hospital and he was in dead bed condition. On perusal of the discharge summary produced by the respondent police it is seen that the father of the petitioner was discharged on 27.10.2020.



7. Taking into consideration all the above facts and also taking into consideration the gravity of offence committed by the petitioner along with other accused persons, this Court is not inclined to grant bail to the petitioner.

8. Hence this petition stands dismissed.

sd/-
02/11/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE SUPERINTENDENT, CENTRAL PRISON,
MADURAI
2. THE DEPUTY SUPERINTENDENT OF POLICE,
CBCID, NAMAKKAL.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.12089 of 2020
Date : 02/11/2020

aav
PK/JC/SAR-II/04.11.2020 : 3P/4C