

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.03.2021

CORAM :

THE HON'BLE MR.JUSTICE P.VELMURUGAN

Crl.O.P.No.5923 of 2021

Srinivasan

... Petitioner/Accused

Vs.

State Rep. by

The Inspector of Police,

Mercheri Police Station,

Salem District.

Crime No.199 of 2016

... Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail pending investigation in Crime No.199 of 2016 on the file of the respondent police.

For Petitioner : Mr.P.Muthamizh Selvakumar

For Respondent : Mrs.M.Prabhavathi,
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The Petitioner, who was arrested and remanded to judicial custody on 16.10.2020 for the offence punishable under Sections 499 and 302 of IPC in Crime No.199 of 2016 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner would submit that the petitioner is A1 in SC No.6 of 2017 on the file of the Additional District(Fast Track) Court, Mettur. Since the petitioner failed to appear before the Court on 11.04.2018, Non Bailable Warrant was issued against him. Subsequently, the petitioner filed Anticipatory Bail petition before this Court and the same was allowed with a direction to surrender before the Court below for recalling the warrant. As per the order of this Court, the petitioner was surrendered before the Court below to recall the N.B.W and the Court below dismissed the same and remanded the petitioner. He would further submit that no overtact has been attributed as against the petitioner and he has been falsely implicated in this case. He is ready to abide the condition imposed by this Court.

3.The learned Additional Public Prosecutor appearing for the respondent would vehemently oppose stating that the case is pending from the year 2017. She would further submit that almost all the

witnesses were examined in this case and now, the case is at the fag end of the stage. The prosecution has filed a petition under Section 319 of Cr.P.C to add a new person as an accused. If the petitioner is let out on bail, there are every chances of him getting absconded again and thereby, derailing the progress of trial.

4. Considering the fact that the case is pending for more than 7 years, this Court is not inclined to grant bail to the petitioner. However, considering the fact that the trial is at the fag end of stage, the Trial Court is directed to dispose the petition filed under Section 319 of Cr.P.C. within a period of 20 days from today and proceed the case further on day to day basis and dispose the case as expeditiously as possible.

5. Accordingly, This Criminal Original Petition stands dismissed with the above directions.

-sd/-

29/03/2021

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 ADDITIONAL DISTRICT (FAST TRACK), COURT,
METTUR, SALEM DISTRICT.

2. THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

3. THE INSPECTOR OF POLICE,
MERCHERI POLICE STATION,
SALEM DISTRICT.

4. THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.P.MUTHAMIZH SELVAKUMAR Advocate on payment of
necessary charges

CRL OP.5923/2021

Date : 29/03/2021

TK/21.04.2021