

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2021

CORAM

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

Crl. O.P. No. 8929 of 2021

Anand

... Petitioner/Accused-4

-VS-

The State Rep. by
Inspector of Police,
CBCID Police Station,
Nagapattinam,
Nagapattinam District.
(Crime No. 01 of 2015)

... Respondent/Complainant

Prayer:- Criminal Original Petition filed under Section 439 of the Code of Criminal Procedure, 1973, praying to enlarge the Petitioner on bail in Crime No. 01 of 2015 on the file of the Respondent.

For Petitioner : Mr. M.L.Ganesh

For Respondent : Mr. C.E.Pratap,
Counsel appearing for the Government

ORDER
(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 Sections 449, 452, 393, 394, 397,

392, 398, 302, 307, 449, 109, 34 and 404 of the Indian Penal Code, 1860, in Crime No. 1 of 2015 on the file of the Respondent Police, seeks bail.

2. The Learned Counsel for the Petitioner would submit that the Petitioner was arrested and remanded to judicial custody on 17.12.2019. He would further submit that the occurrence is of the year 2011 and originally the case was registered by Sirkali Police Station. He would further submit that 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. He would further submit that after four years, the Petitioner was arrested on 17.12.2019 on suspicion and the Petitioner is in custody for more than one and half year. He would further submit that the earlier bail application was dismissed by this Court in Crl. O.P. No. 10557 of 2020 on 20.07.2020 with a direction to the Trial Court to complete the trial within a period of twelve weeks. However, the trial has not been completed within the time frame as fixed by this Court. He would further submit that the Petitioner is an innocent person and he has been arrested only based on suspicion. He would further pray that taking into consideration the pandemic situation and the fact that there is no progress of the trial, the bail application of the Petitioner may be considered and he may be granted bail.

3. The Learned Counsel appearing for the Government would vehemently oppose stating that it is the case where three persons have been murdered for gain. The Petitioner 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. O.P. No. 9741 of 2020 before this Court and His Lordship Mr. Justice G.K. Ilanthiraiyan, was pleased to dismiss the petition with a direction to the Trial Court to complete the trial within a period of twelve 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 specified period. He would further submit that the accused was secured with very great difficulty. He would further submit that after the dismissal of the earlier bail applications, there is no change of circumstances.

4. Heard the Learned Counsels and perused the earlier dismissal orders dated 20.07.2020 and 21.09.2020

5. Originally, the case had been registered by Sirkali Police Station in Crime No. 527 of 2011 and 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 Petitioner 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 that there is no change of circumstances, this bail petition cannot be considered.

6. Accordingly, this Criminal Original Petition stands dismissed.

18.06.2021

vjt

Index: Yes/No

Internet: Yes/No

To

1. The Inspector of Police,
CBCID Police Station,
Nagapattinam,
Nagapattinam District.
2. The Judicial Magistrate,
Nagapattinam.

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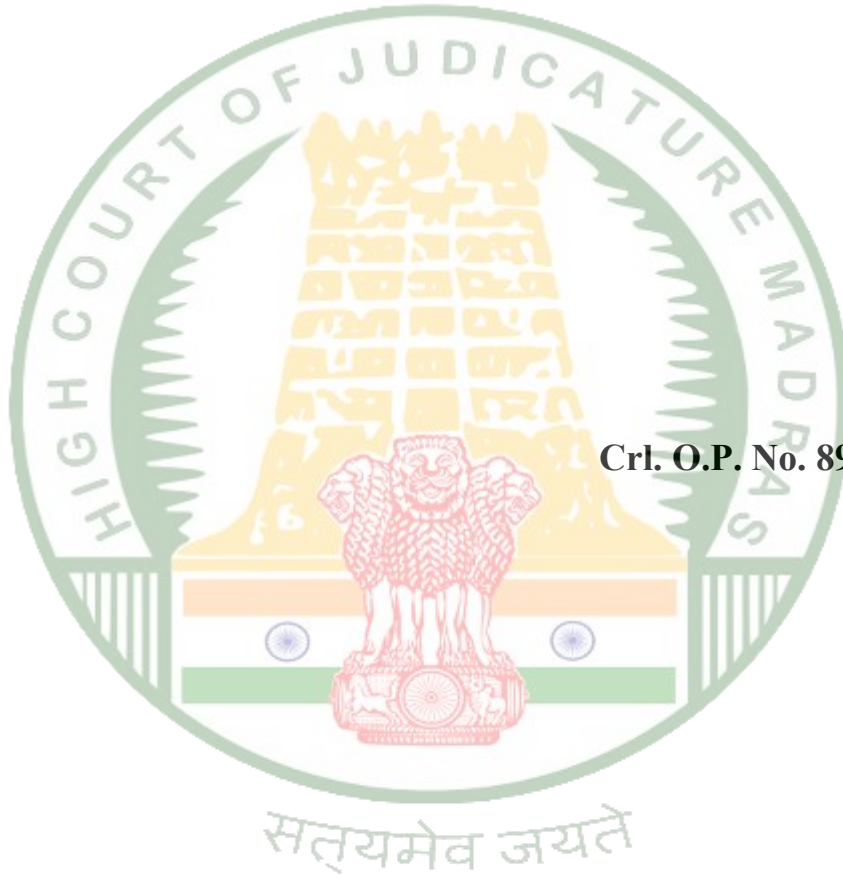
3. The Public Prosecutor,
Madras High Court,
Chennai - 600 104.



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A.D. JAGADISH CHANDIRA, J.

vjt



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