



IN THE HIGH COURT OF JUDICATURE AT MADRAS  
( Criminal Jurisdiction )

Friday, the Twenty Third day of July Two Thousand Twenty One

WEB COPY

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA  
CRIMINAL ORIGINAL PETITION No.12676 of 2021

RASU @ POTTU RASU

[ PETITIONER / ACCUSED ]

Vs

THE STATE REP.BY  
THE INSPECTOR OF POLICE,  
NALLIPALAYAM POLICE STATION,  
NAMAKKAL DISTRICT.

[ RESPONDENT ]

For Petitioner : M/S.T.DHARANI Advocate

For Respondent : MR. V.J.PRIYADARSANA, Govt. Advocate(Crl. Side)

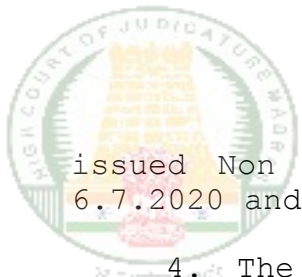
PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 6.7.2021 for the offences punishable under Sections 449 read with Sections 34, 307 read with 34, 302 read with 34 & 397 read with 34 of IPC in Crime No.506 of 2021, on the file of the respondent police, seeks bail.

2. It is a case of jumped bail. The petitioner is arrayed as 3rd accused in this case and facing trial in S.C.No.132 of 2018 alongwith six other accused. Since the petitioner did not appear before the court on 27.1.2020, the learned Judge had issued a NBW of arrest pursuant to which, the petitioner was arrested on 6.7.2020.

3. Learned counsel for the petitioner would submit that this is the second Application for bail. He would submit that the earlier Application for bail in Crl.O.P.No.20632 of 2020 was dismissed on 23.12.2020 with a direction to the learned Trial Judge to complete the trial as expeditiously as possible, preferably within three months from the date of receipt of a copy of that order. The learned counsel would further submit that now, almost seven months have lapsed, but, the Trial has not been completed. He would also submit that the petitioner did not appear before the court on 27.1.2020 due to illness and thereby the Trial Court had



issued Non Bailable Warrant and the petitioner was arrested on 6.7.2020 and he has been inside for more than a year.

4. The learned Government Counsel would vehemently opposed stating that it is a case of the year 2001 registered as Crime No.506 of 2001. He would further submit that there are seven accused in this case and all of them were dragging the trial by absenting themselves one after other and thereby there was a delay in committing the case to the Court of Sessions and the case was able to be committed to the Court of Sessions only in the year 2018 and it has been taken in S.C.No.132 of 2018 on the file of the Additional District Judge, Namakkal. He would also submit that the delaying tactics of the accused was the reason for the dismissal of the earlier Application for bail and though a direction was given to the Trial Court to complete the trial within three months, the second wave of Covid was not expected by that time and this court had issued directions. He would further submit that out of 27 witnesses sought to be examined, 19 witnesses have been examined as of now and they have also been cross examined and only 8 witnesses remain to be examined and the respondents are taking every steps to produce the witnesses for Trial. He would also submit that the case now stands posted on 21.8.2021 and that there is every possibility of the case being completed within the end of the year. He would bring to the notice of this court that apart from the present case, the petitioner has got 9 other cases and produced a list thereof, which reads as under:-

| <b>Sl. No.</b> | <b>District &amp; PS</b>            | <b>Cr.No.</b> | <b>Provision of offence</b>                | <b>Stage of the case</b> |
|----------------|-------------------------------------|---------------|--------------------------------------------|--------------------------|
| 1.             | Namakkal<br>Nalliapalayam PS        | 506/2001      | 120 (b) , 395<br>r/w 397,<br>302, 324 IPC  | PT                       |
| 2.             | Nalliapalayam PS                    | 335/2009      | 392 r/w 397<br>IPC                         | PT                       |
| 3.             | Dindigul Dist.<br>Nilakottai PS     | 178/2018      | 392 IPC                                    | PT                       |
| 4.             | Virudhunagar West PS                | 267/2019      | 379 IPC                                    | PT                       |
| 5.             | Madurai Vigramangalam<br>PS         | 23/2012       | 41(2) Cr.PC                                | Disposal                 |
| 6.             | Vigramangalam PS                    | 161/2011      | 110 Cr.PC                                  | Disposal                 |
| 7.             | Vigramangalam PS                    | 68/2011       | 109 Cr.PC                                  | Disposal                 |
| 8.             | Subramaniyapuram PS                 | 473/2013      | 394@120 (b) ,<br>203, 381,<br>394, 395 IPC | PT                       |
| 9.             | Villupuram Dist.<br>Thirunavalur PS | 317/2018      | 379 IPC                                    | PT                       |



| <b>Sl. No.</b> | <b>District &amp; PS</b> | <b>Cr.No.</b> | <b>Provision of offence</b> | <b>Stage of the case</b> |
|----------------|--------------------------|---------------|-----------------------------|--------------------------|
| 10.            | Thirunavalur PS          | 174/2007      | 379 IPC                     | PT                       |

5. The learned Government Advocate, therefore, submits that if bail is granted to the petitioner, he would abscond and derail the progress of trial. He would insist that the present case is of the year 2001 and some more time may be extended for completing the trial.

6. Taking into consideration the facts and circumstances of the case in the light of the submissions made by the learned Government Advocate, this court is not inclined to grant bail to the petitioner. However, a direction is issued to the learned Additional District Judge, Namakkal District to complete the trial in S.C.No.132 of 2018 and deliver judgment as expeditiously as possible, preferably, within a period of four months from the date of receipt of a copy of this order.

7. With the above direction, this Criminal Original Petition stands dismissed.

-sd/-

23/07/2021

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 JUDGE,  
NAMAKKAL DISTRICT.

2 THE INSPECTOR OF POLICE,  
NALLIPALAYAM POLICE STATION,  
NAMAKKAL DISTRICT.

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.



4 THE SUPERINTENDENT,  
CENTRAL PRISON, SALEM

CC to M/S.MUTHU GANESA PANDIAN Advocate on payment of  
necessary charges

CRL OP.12676/2021

Date :23/07/2021

RVR 27/07/2021