



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

Wednesday, the Eleventh day of August Two Thousand Twenty One

WEB COPY

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN
CRIMINAL ORIGINAL PETITION No.12130 of 2021

ANAND @ GANESH @ KANNUKUTTY GANESH

[PETITIONER / ACCUSED]

Vs

STATE REP.BY

[RESPONDENT]

THE STATION HOUSE OFFICER,
METTUPALAYAM POLICE STATION,
PUDHUCHERRY. (CR.NO.84 OF 2017)

For Petitioner : M/S.K.GANDHIKUMAR Advocate

For Respondent : MR. V.BALAMURUGANE, ADDITIONAL PUBLIC PROSECUTOR
(PUDUCHERRY)

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 22.05.2018 for the offence punishable under Sections 148, 109, 120-B, 144, 114, 342, 302, 307, 326, 324 of IPC r/w 149 of IPC and Sections 3 and 4 of Explosive Substances Act, 1908 in Crime No.84 of 2017 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 18.10.2017, the petitioner along with others unlawfully assembled and confined the defacto complainant and his friends and assaulted three of his friends using knife, veechu aruval and country bomb, thereby caused instantaneous death to them. Hence, a case was registered.

3.The learned counsel appearing for the petitioner would submit that almost all the prosecution witnesses were examined and not yet posted for examination of investigation officer i.e. LW98. All the eye witnesses turned hostile and no one supported the case of the prosecution. He further submitted that the petitioner is incarcerating imprisonment for the past 3 ½ years. Even already this Court directed the court below on two occasions to complete the trial within a period of six months. However, the trial court did not comply with the directions issued by this Court. Hence, he seeks for grant of bail to the petitioner.



4.The learned Government Advocate (Crl.side) would submit that due to covid-19 circumstances, the trial court could not complete the trial as directed by this Court. He further submitted that all the prosecution witnesses have been examined and closed their evidence. The trial court has posted the case for questioning under Section 313 of Cr.P.C. Hence, he vehemently opposed for grant of bail to the petitioner.

5.It is the fifth application for bail. This Court dismissed the bail application on 10.06.2019 for the reason that it is a case of three murders and the petitioner is having 13 previous cases. Even now, there is no change of circumstances in this case. That apart, this Court already directed the court below to complete the trial within a period of six months. Thereafter, due to covid-19 circumstances, the trial court is not able to complete the trial as directed by this Court. However, now the trial court is functioning. As such, the trial court is directed to complete the trial within a period of eight weeks from the date of receipt of copy of this order.

6. Accordingly, this criminal original petition is dismissed.

-sd/-

11/08/2021

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 II ADDITIONAL DISTRICT JUDGE,
PUDUCHERRY

2 THE SUPERINTENDENT,
CENTRAL PRISON,
PUDUCHERRY

3 THE STATION HOUSE OFFICER,
METTUPALAYAM POLICE STATION,
PUDHUCHERRY.



4 THE PUBLIC PROSECUTOR,
PUDUCHERRY

WEB COPY

CC to M/S.K.GANDHIKUMAR Advocate on payment of necessary charges
SR.8542

CRL OP.12130/2021

Date :11/08/2021

RVR 16/08/2021