



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Fifth day of August Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.13274 of 2021

S.ANAND (RP NO 7143)

[PETITIONER / ACCUSED]

Vs

THE STATE BY
THE INSPECTOR OF POLICE,
CBCID POLICE STATION,
NAGAPATTINAM, NAGAPATTINAM DISTRICT.
CR.NO.01/2015.

[RESPONDENT]

For Petitioner : PARTY IN PERSON (IN PRISON) Advocate

For Respondent : M/S.C.E.PRATAP, Govt. Advocate (Crl.Side)

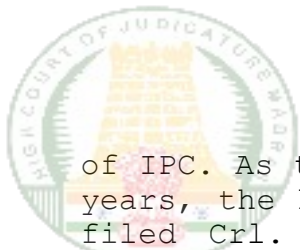
PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested on 17.12.2019 and remanded to judicial custody for the alleged offences punishable under Sections 449, 452, 393, 394, 397, 392, 398, 302, 307, 449, 109, 34 and 404 of IPC, 1860, in Crime No.1 of 2015 on the file of the respondent police, seeks bail.

2. This is the fourth bail application filed before this Court. Earlier three bail applications were dismissed by this Court in Crl. O.P. No.10557 & 14734 of 2020 and Crl. O.P. No.8929 of 2021. Hence, again, this petitioner had sent a representation to the Registrar General, High Court of Madras, which was placed before this Court and numbered as Crl. O.P. No.13274 of 2021 on the directions of this Court.

3. The party-in-person appeared before this Court through video conference. A perusal of the representation of the petitioner reveals that the petitioner was implicated for the offence under Section 449, 452, 393, 394, 397, 392, 398, 302, 307, 449, 109, 34 and 404 of IPC, 1860; he was arrested in the above said crime on 17.12.2019 and is in prison for more than 19 months. Further, Al/Dinesh Kumar S/o.Sekar, Sureshkumar S/o.Ravindran, Kamal S/o.Ramanathan, were all arrested in double murder case on 21.08.2011 at Sirkali Police Station, for which Crime No.927 of 2011 was registered for the offence under Section 302



of IPC. As there was no progress in the investigation even after four years, the husband of the defacto complainant namely Mohammed Younus filed Cr1. O.P. No.10616 of 2015 and this Court by order dated 28.04.2015, transferred the case from the file of Sirkali Police Station to CBCID Nagapattinam. Thereafter, the CBCID Nagapattinam has registered a case in Crime No.1 of 2015 for the offence under Section 302 of IPC and the preliminary investigation is underway. The CBCID had recorded the statement from one Pandiyammal and the said Pandiyammal has not stated anything about the involvement of the accused persons. Further, even in the CBCID investigation, there is no progress. However, in order to conclude the investigation one Sureshkumar, had been made to voluntarily surrender on 21.11.2019 and based on his confession, the other accused had been arrested. Initially, the case was registered before the Sirkali Police Station in Crime No.527 of 2011 for the offence under Section 302 IPC and the same was investigated by Tr.Singaravelu, Inspector of Police, he had arrested the accused viz., DineshKuamr S/o.Sekar, and Kamal S/o.Ramanathan, thereafter, they were enlarged on bail. However, in view of some allegations made against the said Inspector of Police, he was transferred and, thereafter, the petitioner was implicated based on the confession statement of A2. Further, though 62 witnesses were examined however there is no eyewitnesses and no mahazar documents are available. Further, co-accused had filed bail application, which was dismissed by this Court in Cr1. O.P. No.9741 of 2020. This Court by an order dated 03.07.2020, had directed the trial Court to complete the trial within a period of 12 months. The petitioner once again filed a bail application in Cr1. O.P. No.14734 of 2020 and this Court by order dated 21.09.2020, directed the trial Court to complete the trial within a period of 12 months. Even after the said orders, there is no progress and, therefore, the present representation has been filed by the petitioner for enlargement on bail

4. Admittedly, the petitioner was implicated as A4 and the petitioner had filed three bail applications and this Court had elaborately considered the petitions, wherein this Court had given a finding that out of 62 witnesses, 34 witnesses had been examined and remaining official witnesses are to be examined and that the law enforcing agency will complete the trial within 6 months. However, in view of the pandemic situation that has been subsisting, further trial could not proceed as directed and no particular direction could also be given for expediting the trial.

5. In the present representation, except for the fact that the trial is yet to be concluded as per the direction of this Court, no other new material or circumstance has been placed before this Court to take a view different from the one already taken by this Court. The earlier three bail applications having been dismissed by this Court and there being no change of circumstances, as pointed out above, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed and the



trial Court is directed to complete the trial as expeditiously as possible.

-sd/-
05/08/2021

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 THE JUDICIAL MAGISTRATE,
NAGAPATTINAM

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CBCID POLICE STATION, NAGAPATTINAM,
NAGAPATTINAM DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY

CC to PARTY IN PERSON (IN PRISON) Advocate on payment of
necessary charges

CRL OP.13274/2021

Date :05/08/2021

TA-23/09/2021.