



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

Friday, the Ninth day of July Two Thousand Twenty One

WEB COPY

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI
CRIMINAL ORIGINAL PETITION No.19333 of 2020

JEGADESH

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
PERIYAPALAYAM POLICE STATION,
CHENNAI.
CRIME NO.10/2005

[RESPONDENT]

For Petitioner : M/S R.SANKARASUBBU Advocate

For Respondent : MR. A.GOPINATH, Govt. Advocate (CrI. Side)

PETITION FOR BAIL 439 Cr.P.C.

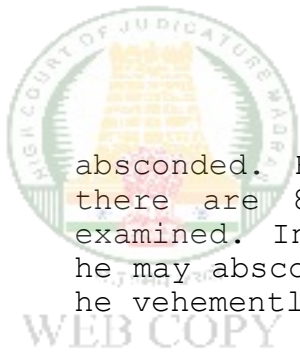
ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 07.05.2005 for the offence punishable under Sections 120-B, 396 and 302 of IPC in Crime No.10 of 2005 on the file of the respondent police, seeks bail.

2. According to the prosecution, the petitioner and other accused persons, trespassed into the house of the defacto complainant and murdered the father of the defacto complainant and assaulted three more persons with deadly weapons and also robbed 63 sovereigns of gold jewels.

3. The learned counsel for the petitioner submitted that the occurrence has taken place in the year 2005 and final report has also been filed. Thereafter, since some of the accused were absconding, the trial Court split up the case against the accused in SC.No.299 of 2012 and proceeded trial in SC.No.426 of 2008. After examination of some of the witnesses, one of the accused, who was released on bail, absconded and hence, the trial is pending. At this juncture, the present bail petition has been filed by the petitioner seeking bail. The petitioner is in jail from 07.05.2005. Hence, he seeks to grant bail to the petitioner.

4. The learned Government Advocate submitted that the case is pending from the year 2008 and charge sheet has been filed in SC.No.426 of 2008. Out of the five accused persons, one of the accused died and another accused, who was granted bail, was



absconded. Hence, the trial could not be proceeded. In this case, there are 81 witnesses completed and three witnesses have to be examined. In this situation, if the petitioner is released on bail, he may abscond and the trial proceeding will be again delayed. Hence, he vehemently opposed to grant bail to the petitioner.

5. In view of the above discussions made by both the counsel, this Court is not inclined to grant bail to the petitioner at this stage and further this Court directs the Court below to complete the trial in SC.No.426 of 2008 and dispose of the matter within a period of six months from the date of receipt of a copy of this order and liberty is granted to the concerned Judge to send the letter seeking extension of time, if it is necessary.

6. In the result, this Criminal Original Petition is closed.

-sd/-
09/07/2021

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 INSPECTOR OF POLICE,
PERIYAPALAYAM POLICE STATION,
CHENNAI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S R.SANKARASUBBU Advocate on payment of necessary charges

CRL OP.19333/2020

Date :09/07/2021

INBA 03/08/2021