



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

Monday, the Twenty Ninth day of November Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.21942 of 2021

IN S.C.NO.132 of 2018

(On the file of the Learned Additional District Judge, Namakkal)

RASU @ POTTU RASU

[PETITIONER / ACCUSED]

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
NALLIPALAYAM POLICE STATION,
NAMAKKAL DISTRICT.
CRIME NO.506 OF 2001

[RESPONDENT]

For Petitioner : M/S.R.ALAGUMANI Advocate

For Respondent : MR.S.SUGENDRAN, 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 along with 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 fourth application for bail. He would further submit that earlier, this Court dismissed the application for bail in Crl.O.P.Nos.18025 of 2020, 20632 of 2020, 12676 of 2021 and this Court



while dismissing the earlier applications, had directed the trial Court to complete the trial as expeditiously as possible and fixed the specific period to complete the trial. Despite the direction of this Court, the trial Court had not completed the trial within the stipulated time. He would further submit that the petitioner is languishing in jail from 06.07.2020 for more than a year and thereby he would seek for bail.

4. Learned Government Advocate appearing for the respondent would vehemently opposed that it is a case of the year 2001 registered in Crime No.506 of 2001. He would further submit that there are totally seven accused in this case and all of them were dragging the trial by absenting themselves one after another and thereby there was delay in committing the case to the Court of Sessions and only in the year 2018, it has been taken up in S.C.No.132 of 2018 on the file of the Additional District Judge, Namakkal. He would further submit that the prosecution was ready to complete the trial whereas delaying tactics have been adopted by the accused and thereby the trial was unable to be proceeded. He would further submit that this Court had earlier directed the trial Court to complete the trial at the earliest. He would further submit that due to pandemic, it is difficult for the respondent to bring and examine the witnesses. However, out of 27 witnesses, the respondent has examined 24 witnesses so far and three witnesses remain to be examined.

5. Learned Government Advocate would further submit that 9 previous cases are pending against the accused before various Districts in Tamilnadu. Since there are only three witnesses to be examined, the trial would be completed at the earliest. He would further submit that if the bail is granted to the petitioner at this juncture, there is every possibility of absconding and derail the progress of trial. He would seek for extension of time by two more months. He would further 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:-

SI.No	District & PS	Crime No.	Provision of Offence	Stage of the case
1	Namakkal Nalliapalayam PS	506/2021	120(b), 395 r/w 397, 302, 324 IPC	PT
2	Nalliapalayam Ps	335/2009	392 r/w 397 IPC	PT
3	Dindigul Dist. Nilakottai PS	178/2018	392 IPC	PT



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SI.No	District & PS	Crime No.	Provision of Offence	Stage of the case
4	Virudhunagar West PS	267/2019	379 IPC	PT
5	Madurai Vigramangalam 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), 203, 381, 394, 395 IPC	PT
9	Villupuram Dist. Thirunavalur PS	317/2018	379 IPC	PT
10	Thirunavalur PS	174/2007	379 IPC	PT

5. Taking into consideration of the facts and circumstances of the case in the light of the submissions made by the learned Government Advocate for the respondent, this Court had earlier dismissed the applications and further taking into consideration the antecedents of the petitioner, this Court is not inclined to grant bail to the petitioner. However, a direction is issued to the trial Judge to complete the trial in S.C.No.132 of 2018 and deliver judgment as expeditiously as possible within a period of two months from the date of receipt of a copy of this order.

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

-sd/-
29/11/2021

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.

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

3 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.21942/2021

Date :29/11/2021

JPA 03/12/2021