



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 01/07/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.8656 of 2021

Vinoth

... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Dindigul.
Crime No.38/2016.

... Respondent/Complainant

For Petitioner : Mr.C.Mayilvahana Rajendran,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :- To Enlarge the Petitioner on bail in connection with Special S.C.No.25/2017 on the file of the Fast Track Mahila Court, Dindigul in Crime No.38/2016.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested on 20.12.2020 for the offences punishable under Sections 366(A), 368 of IPC and Section 6 of POCSO Act in Crime No.38 of 2016 on the file of the respondent police, seeks bail.

2. This is the petition for bail and the case is pending in Spl.S.C.No. 25 of 2017 on the file of the Fast Track Mahila Court, Dindigul.

3. It is alleged by the learned counsel for the petitioner that the petitioner did not appear before the trial Court on 17.12.2020, therefore Non Bailable Warrant was issued against him and in pursuance to the same he was arrested and remanded to judicial custody on 20.12.2020. He would further submit that earlier the petitioner has filed a petition for bail in Cr.M.P.No. 768 of 2021 before the Fast Track Mahila Court, Dindigul and the same was dismissed on 21.06.2021, hence he seeks bail.



4. The learned Additional Public Prosecutor opposed this petition on the ground that the most of the evidence is over and if the accused is released on bail there is a possibility of protracting the proceedings.

5. A perusal of the order shows that prosecution side evidence was closed on 13.02.2020 and the accused was questioned under Section 313(i)(b) of Cr.P.C and the case stands posed for arguments. At this juncture the petitioner has filed a petition to recall the prosecution witness and it was allowed. Even after sufficient opportunity given to the petitioner, he did not cross examine the witnesses, therefore the case stands posted to 30.11.2020 for arguments. In the meanwhile because of the absence of the petitioner Non Bailable Warrant was ordered and he was arrested and remanded to judicial custody. The petitioner's intention was only to protract the proceedings. Even after the closure of the prosecution witness and when the matter stands posted for defence side evidence and for arguments, it appears that the petitioner failed to cross examine the witnesses despite giving opportunity for cross examining the prosecution witness.

6. Considering the attitude of the petitioner in protracting the proceedings and not co-operating for the earlier disposal of the case, this Court is of the considered view that if the petitioner is released on bail that will delay the progress of the trial, therefore this petition is dismissed.

7. Since the trial is almost over, the trial Court is directed to complete the trial proceedings as expeditiously as possible preferably within a period of three months from the date of receipt of a copy of this order by posting the case on day to day basis and send a compliance report to this Court after disposing the case.

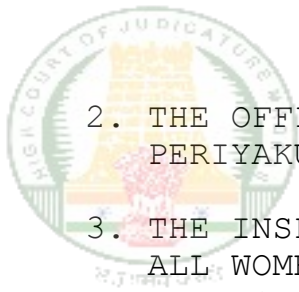
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01/07/2021

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO
1. THE JUDGE,
FAST TRACK MAHILA COURT, DINDIGUL.



2. THE OFFICER INCHARGE, SUB JAIL,
PERIYAKULAM.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
DINDIGUL.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:
THE REGISTRAR(JUDICIAL) ,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI .

ORDER
IN
CRL OP(MD) No.8656 of 2021
Date :01/07/2021

AAV
MS/PN/SAR-3/06.07.2021/3P.6C