



WEB COPY



Crl.O.P.No.2065 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2022

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.2065 of 2022

Rasu @ Pottu rasu

... Petitioner

Vs.

State through
The Inspector of Police,
Nallipalayam Police Station,
Namakkal District.
(Crime No.506 of 2001)

...Respondent

PRAYER: The Criminal Original Petition is filed under Section 439 of the Code of Criminal Procedure, to release the petitioner on bail in S.C.No.132 of 2018 pending on the file of the learned Additional District Judge, Namakkal, in Crime No.506 of 2001 on the file of the respondent.

For Petitioner : Mr.R.Alagumani

For Respondent : Mr.A.Gokulakrishnan,
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to release the petitioner on bail in S.C.No.132 of 2018 pending on the file of the learned Additional



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District Judge, Namakkal, in Crime No.506 of 2001 on the file of the respondent.

2. Learned counsel for the petitioner would submit that this is the third application for bail. He would submit that the this Court while dismissing the earlier application on 23.07.2021, had directed the Trial Judge to complete the trial as expeditiously as possible and deliver the judgment within a period of four months from the date of receipt of a copy of that order. Despite the order passed on 23.07.2021, there is no progress in the trial.

3. Per contra, Mr.A.Gokulakrishnan, learned Additional Public Prosecutor would submit that in this case, totally there are 27 witnessess, out of which 16 witnesses have been examined so far and the case has been posted for cross examination of LW24 and LW25 as PW17 & PW18 on 13.04.2022. He would submit that the delay is not on account of the prosecution whereas, the Courts were not functioning properly on account of Covid pandemic. He would further submit that one of the co-accused in this case is in Maharashtra jail and thereby, the case has been split up as



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S.C.No.22 of 2022. He would further submit that the trial will be completed at the earliest.

3. Heard both sides and perused the materials available on record.

4. This Court taking into consideration the fact that the petitioner has involved in 10 other cases and also finding that the petitioner had absconded and Non Bailable Warrant of arrest has been issued against him and the case is of the year 2001, had dismissed the earlier application stating that the delay is not on account of the prosecution, thereby, the learned Additional District Judge, Namakkal District is directed to complete the trial as expeditiously as possible.

5. With the above observation and direction, this Criminal Original Petition stands disposed of.

12.04.2022

Index:Yes/No

Internet:Yes/No

Speaking order/Non speaking order

shk/sai



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A.D.JAGADISH CHANDIRA, J.

shk

To

- 1.The learned Additional District Judge,
Namakkal
- 2.The Inspector of Police,
Nallipalayam Police Station,
Namakkal District.
- 3.The Public Prosecutor,
High Court of Madras.

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