



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty First day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.11635 of 2022

and CrI.M.P.No.7256 of 2022

IN S.C.NO.315 of 2021

(On the file fo the I Additional Sessions Court, Chennai)

VILAS JALINDAR PAKHARE

[PETITIONER / ACCUSED]

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
C2, ELEPHANT GATE POLICE STATION,
CHENNAI.
CRIME NO.916 OF 2020.

[RESPONDENT]

PINKY

[PETITIONER / INTERVENING PETITIONER
/ DEFACTO COMPLAINANT]

[ORDERED AS PER ORDER OF THIS COURT DATED 21.06.2022 IN CRL.MP.7256 /2022 IN CRL.O.P.NO.11635/2022]

For Petitioner : MR.R.SANKARASUBBU, Advocate for
M/S.MURALI LAW FIRM Advocate

For Respondent : MR.S.UDAYA KUMAR, Govt. Advocate (Crl. Side)

For Intervenor : M/S.V.M.ABDUL AZEEZ, Advocate

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

ORDER : The Court Made the following order :-



The petitioner herein, who is arrayed as 2nd accused, has filed the second bail petition. It is a case of triple murder occurred during the COVID lock down due to the consequences of the family dispute.

2. This Court considering the gravity of the crime and the overt act of the petitioner herein and also considered that the petitioner being a person hailing from Maharashtra and the difficulty expressed that he may not be available if he is released on bail, his earlier bail petition was dismissed.

3. In the subsequent bail petition, the learned counsel for the petitioner stated that the petitioner herein is the Member of Bar Council and he is hailing from the respectable family and just because he is the brother of the 1st accused, he has been arrayed in this case and he has been incarcerated for more than a year.

4. He further submits that there is no evidence to show that the petitioner was present in the scene of occurrence and the CCTV footage collected during the investigation proves the fact that he was present in the scene of occurrence.

5. The learned Government Advocate (Crl.Side) for the respondent states that two other persons were granted bail are not regularly appearing before the Court. After completion of investigation, it was taken cognizance and posted for framing charges and if the petitioner is released on bail, the progress of the trial will get hampered. Also the learned Government Advocate (Crl.Side) states that in a bail petition moved by the other accused, this Court directed the trial Court to complete the trial in S.C.No.315 of 2021 within a period of six months from the date of receipt of a copy of the order. Accordingly, the prosecution is taking every efforts to complete the trial within the time fixed by this Court.

6. Taking note of these facts, considering the submission made by the learned counsel for the petitioner, this Court is of the view that considering the facts as found in the documents collected during the investigation and the submission made by the learned Government Advocate (Crl.Side), even though the liberty is the fundamental right which has to be ensured, but in the case of this nature where multiple accused were involved and the offence including Arms Act has been charged, grant of bail to a person hailing out side the State may certainly lead to hamper the progress of the trial, more particularly, when the victim and the prime accused are related to each other.



7. For the said reason, this Criminal Original Petition for bail is dismissed, reiterating the order passed in Crl.O.P.Nos.12030 and 12084 of 2022 dated 13.06.2022 in respect of expeditious disposal of the trial.

-sd/-
21/06/2022

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 I ADDITIONAL SESSIONS
COURT, CHENNAI

2 THE INSPECTOR OF POLICE
C2, ELEPHANT GATE POLICE STATION,
CHENNAI.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.W.M.ABDUL AZEEZ Advocate on payment of necessary charges SR.NO.9657

CRL OP.11635/2022
AND Crl.M.P.No.7256/2022

Date :21/06/2022

JPA 24/06/2022