



WEB COPY

CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/10/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.15040 of 2022

Veerapandi,

... Petitioner/Accused No.11

Vs

State Rep.by
The Inspector of Police,
Thiruppuvanam Police Station,
Sivagangai District.
(Crime No.432/2020)..

... Respondent/Complainant

For Petitioner : Mr.J.Vijayaraja, Advocate.

For Respondent : Mr.RMS.Sethu Raman,
Additional Public Prosecutor

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

PRAYER :-

To enlarge the petitioner on bail who is in Judicial custody in Crime no.432/2020 in connection to the pending trial in CC No.1/2021 on the file of the Additional District and Sessions Judge, Special Court for EC and NDPS Cases,Pudukottai.

ORDER : The Court made the following order :-

The petitioner/accused No.11, who was arrested and remanded to judicial custody on 07.10.2020 for the offences punishable under Sections 147, 148, 506(ii), 120(B), 399, 402 of IPC, r/w 8(c), 20(b) (ii)(c), 25 of NDPS Act, 1985 and Section 20, 30 of the Arms Act, in Crime No.432 of 2020, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that there was a enmity between two groups of people with an intention to commit murder of the rival group, the petitioner along with the others said to have assembled in the place of occurrence and on seeing special police



team, which was formed for the purpose of napping the elements, some of the persons escaped from the place. Hence, the complaint.

3. The earlier application came to be dismissed by this Court on the ground that the petitioner is having bad antecedents. But however, considering the period of incarceration, the trial Court was directed to dispose of the case within a period of six months from the date of receipt of copy of this order. The original order was passed as early as on 14.07.2022 in CrI.O.P(MD).No.9346 of 2021 and the same was extended periodically, at the request made by the trial Court Judge. Thereafter, a report is called for from the Special Court as to the stage of the trial process and detailed letter was received, wherein it is stated that due to the non-production of the accused persons, the case against the petitioner was split up and thereafter, he was produced on the basis of the petition filed by the prosecution and the case against the petitioner was clubbed. Again, the case was adjourned to various dates either due to non-production of the witness or for non-production of the accused persons, finally on 28.09.2022 P.W.2 was examined, but the accused did not cross-examine the witnesses.

4. According to the Additional District Judge, Pudukkottai, because of the non-cooperation on the side of the prosecution as well as the accused, the matter is not disposed of till date. Exactly, on that ground, the petitioner seeks bail, since the trial is not completed within the time stipulated and the petitioner suffered Paralyse. However, from the narration of the facts and report submitted by the learned Additional District Judge, it is seen that the petitioner is also equally responsible for the delay in disposing the matter. The petitioner is interested only getting the bail, not for disposal of the case on merits. The medical ground, which was projected by the petitioner, the same was rejected by the trial Court stating that there is no immediate urgency for taking treatment out of the prison and also the petitioner is not having good conduct.

5. I find no reason to defer from the earlier view. Accordingly, this Criminal Original Petition is dismissed.

6. The trial Court is directed to comply with the order of this Court to dispose of the case within the time stipulated and a compliance report shall be sent to the Registry.

sd/-

20/10/2022

/ TRUE COPY /

/11/2022

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



TO

- 1 THE ADDITIONAL DISTRICT AND
SESSIONS JUDGE/ PRESIDING OFFICER SPECIAL
COURT FOR E.C. AND NDPS ACT CASES,
PUDUKKOTTAI.
- 2 THE INSPECTOR OF POLICE
THIRUPPUVANAM POLICE STATION,
SIVAGANGAI DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

- 1 THE REGISTRAR (JUDICIAL)
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- 2 THE SECTION OFFICER,
CRIMINAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.J.VIJAYARAJA, Advocate (SR-11867[I] dated 26/10/2022)

ORDER

IN

CRL OP(MD) No.15040 of 2022

Date :20/10/2022

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PKP/SSS/SAR-1/01.11.2022/3P/8C