



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

Date : 02.09.2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.15483 of 2022

Selvaraj

... Petitioner/Sole Accused

Vs

The State represented by
The Inspector of Police,
Karaiyur Police Station,
Pudukottai District.
(Crime No.143 of 2015).

... Respondent/Complainant

For Petitioner : Mr.S.POORNACHANDRAN, Advocate.

For Respondent : Mr.R.MEENAKSHI SUNDARAM,
Additional Public Prosecutor.

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

PRAYER :- For Bail in S.C.No.128 of 2016 on the file of the learned Sessions Judge, Mahila Court, Pudukottai, in Crime No.143 of 2015 on the file of the Respondent Police.

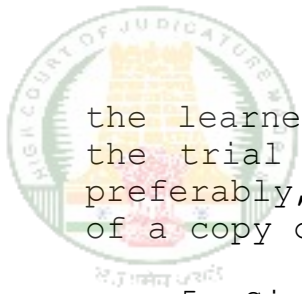
ORDER : The Court made the following order :-

The petitioner/sole accused is facing a case for the offences punishable under Section 307 IPC altered into Sections 323, 366, 495, 496, 420, 417 and 302 IPC, in S.C.No.128 of 2016 on the file of the learned Sessions Judge, Mahila Court, Pudukottai, in Crime No.143 of 2015, on the file of the respondent police, seeks bail.

2. It is seen from the records that since the petitioner has not turned up for the hearing on 22.02.2018, Non-Bailable Warrant (NBW) was ordered to be issued and that warrant was executed on 04.04.2022 and he is still in custody.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution.

4. No doubt, the petitioner's earlier application in CrI.O.P. (MD)No.8841 of 2022 was dismissed by this Court vide order dated 09.06.2022 and while dismissing the application, this Court directed



the learned Sessions Judge, Mahila Court, Pudukottai, to complete the trial and dispose of the case as expeditiously as possible, preferably, within a period of two months from the date of receipt of a copy of that order.

5. Since the trial was not completed as directed by this Court, the petitioner again has filed the above application seeking bail. Then, this Court directed the Registry to call for a report from the concerned Court.

6. In pursuance of the same, the learned Sessions Judge, Mahila Court, Pudukkottai, has submitted a report dated 01.09.2022 stating that the prosecution were not able to secure the witnesses and the doctors and hence in spite of short adjournments granted, the witnesses could not be secured quickly and that the defence counsel has also sought adjournments for cross-examination of the witnesses.

7. When the matter is taken up for hearing today, the learned Additional Public Prosecutor would submit that the petition to examine the Judicial Magistrate, who had recorded the Dying Declaration of the deceased, was filed and allowed, that the case stands posted for examination of the Judicial Magistrate and that four witnesses are yet to be examined.

8. Considering the above facts and circumstances and also the fact that four witnesses are yet to be examined, the trial Court is directed to complete the trial and dispose of the case within a period of four weeks from the date of receipt of a copy of this order.

9. With the above direction, this Criminal Original Petition is disposed of.

sd/-

02/09/2022

/ TRUE COPY /

08/09/2022

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 SESSIONS JUDGE, MAHILA COURT,
PUDUKOTTAI

<https://www.mhc.tn.gov.in/judis>



2 THE OFFICER INCHARGE
DISTRICT PRISON, PUDUKOTTAI.

3 THE INSPECTOR OF POLICE,
KARAIYUR POLICE STATION,
PUDUKOTTAI DISTRICT.

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.15483 of 2022
Date :02/09/2022

CSM
SA/SVR/SAR.4/08.09.2022/3P/6C