



CrI.O.P.No.9848 of 2023

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P.VELMURUGAN, J.

The petitioner, who was arrested and remanded to judicial custody on 09.01.2019 for the alleged offences punishable under Section 176 Cr.P.C and Sections 302 and 506(ii) IPC in Crime No.28 of 2019 on the file of the respondent-Police, seeks bail pending trial before the IV Additional District and Sessions Judge, Coimbatore in S.C.No.105 of 2019.

2. The case of the prosecution is that due to previous enmity between the petitioner and the deceased, who is a life convict, the petitioner stabbed the deceased inside the prison and caused his death. Hence, the complaint.

3. Learned counsel for the petitioner submitted that this is the sixth bail application and the earlier applications were dismissed by this Court. The petitioner has been suffering from incarceration for more than 3



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years. i.e. from 09.01.2019, and hence, she would pray for grant of bail to the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for the respondent submitted that the petitioner is a habitual offender. Trial has already commenced in this case on 03.02.2021 and out of 15 witnesses, 9 witnesses were examined on the side of prosecution. At this stage, if the petitioner is released on bail, there is possibility of tampering the witnesses.

5. Heard both sides and perused the records.

6. Considering serious nature of the offences and the stage of the trial, if the petitioner is released on bail, there is every possibility that the petitioner may abscond and tamper with the evidence. Hence, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.



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7. The Hon'ble Supreme Court and this Court time and again gave a direction to the Courts below that when once the trial has commenced, it has to be taken on day-to-day basis, as the trial in this case has not been concluded till date.

8. Hence, the Registrar General, High Court, Madras is directed to call for an explanation from IV Additional District and Sessions Judge, Coimbatore, as to why trial has not yet been completed in S.C.No.105 of 2019.

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