



Crl.O.P.No.14323 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who was arrested and remanded to judicial custody on 23.12.2022 in Crime No.602 of 2023 for the offences punishable under Sections 394 r/w 397 & 302 of IPC, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the *de facto* complainant's husband/deceased was running a iron scrap business in the name of Kumaran Traders, while so, on 27.12.2022, the accused, who were working under the husband of the *de facto* complainant, had committed murder of the *de facto* complainant's husband deceased, in order to commit looting. Hence the case.

3. Learned counsel for the petitioner submitted that the petitioner, aged about 19 years, is an innocent person and he has been falsely implicated in this case. He further submitted that even as per the prosecution, the *de facto* complainant was not present at the scene of occurrence and she was only informed by one Premkumar and he further submitted that she is not the eye witness to the occurrence. He also submitted that the petitioner was



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arrested only based on the suspicion and absolutely, there is no material to connect the petitioner to this crime. He further submitted that the petitioner is in custody from 27.12.2022 and he is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner along with the other accused, who were working under the *de facto* complainant's husband in his shop named Kumaran Traders, had committed murder of the *de facto* complainant's husband in order to commit robbery in his shop. He also submitted that the investigation in this case has been completed and the case has also been taken up for trial in S.C.No.143 of 223 on the file of the learned I Additional District Judge, Salem and there are 29 witnesses in this case. He further submitted that the case now stands posted for appearance of the accused on 28.06.23. He also submitted that the petitioner is a native of Bihar and therefore, if bail is granted to him at this stage, there is every possibility of him to abscond and would not be available for trial, hence, he vehemently opposed for grant of bail to the petitioner.



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5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

6. Taking into consideration the facts of the case and the submissions made by the learned counsel on either side and also taking note of the fact that it is the case of murder for gain, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, this Criminal Original Petition stands dismissed. However, the learned trial Judge is directed to complete the trial as expeditiously as possible, preferably, within a period of four months from the date of receipt of a copy of this order on a day-to-day basis.

27.06.2023

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