



Crl. A.(MD)No.252 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 25.04.2023

CORAM

THE HONOURABLE MR. JUSTICE K.MURALI SHANKAR

Crl. A.(MD)No.252 of 2023

1.Gokula Krishnan @ Gokul

2.Manikandan

... Appellants/Petitioners/
Accused Nos.1 & 4

Vs.

1.The State represented by
The Deputy Superintendent of Police,
Karur Town Sub Division,
Karur Town Police Station,
Karur District.
(Crime No.1031 of 2020)

2.The Inspector of Police,
Karur Town Police Station,
Karur District.
(Crime No.1031 of 2020)

3.Sashmitha

... Respondents 1 to 3/
Respondents & Complainants/
Complainants



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Prayer : This Criminal Appeal is filed under Section 14A(2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015, to call for the entire records relating to the order dated 21.03.2023 passed in Crl.M.P.No.455 of 2023 in S.C.No.17 of 2021 in Crime No.1031 of 2020 on the file of the learned Principal Sessions Judge, Karur and set aside the same as arbitrary and consequently to release the petitioner on bail in connection with the S.C.No.17 of 2021 in Crime No.1031 of 2020 on the file of the learned Principal Sessions Judge, Karur.

For Appellants : M/s.P.Krishnaveni
For R1 & R2 : Mr.R.Sivakumar
Government Advocate (Crl. Side)
For R3 : Mr.R.Maheswaran
Legal Aid Counsel

JUDGMENT

This Criminal Appeal is directed against the order passed by the learned Principal District and Sessions Judge, Karur, in Crl.M.P.No.455 of 2023 in S.C.No.17 of 2021 dated 21.03.2023, dismissing the bail petition.

2. The petitioners are facing trial for the offences under Sections 302, 120B, 506(2) and 294(b) IPC.



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3. The learned Principal District and Sessions Judge, by observing that on 06.08.2022, the trial Court has specifically directed all the accused to appear on 23.08.2022, that since the accused 2, 4 and 6 were absent, Non-Bailable Warrant was ordered to be issued against them, that subsequently, the accused 2, 4 and 6 had already surrendered before the Court and warrants came to be recalled, that again when the case stood posted on 21.09.2022, the accused 1, 2, 4 and 12 remained absent and again Non-Bailable Warrant was ordered to be issued and the trial process was hampered, that subsequently, the prosecution has arrested the petitioners on 12.02.2023 and on their production, they have been remanded to judicial custody, that the accused 2 and 3 are still absconding and hence, the case was ordered to be split up against the accused 2 and 3 in S.C.No.5 of 2023 and that the trial Court has framed the charges on 20.02.2023 and the case was posted for fixing the trial date and taking note of the objections of the learned Special Public Prosecutor that there was every possibility for abscondance, has dismissed the bail petition.

4. Considering the nature and gravity of the offence alleged and also the fact that Non-Bailable Warrant was ordered to be issued against the petitioners for the third time and also taking note of the observation of the trial



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Court that the accused by absconding themselves one by one has been protracting the case, this Court is not inclined to grant bail to the petitioners at this point of time. However, considering the facts that the petitioners are in custody from 12.02.2023 and that the trial Court has already split up the case with respect to the absconding accused, the trial Court is directed to complete the trial and dispose of the case as expeditiously as possible, preferably, within a period of three months from the date of receipt of a copy of this judgment.

5. With the above direction, this Criminal Appeal is disposed of.

25.04.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
csm



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- To
- 1.The Principal District and Sessions Judge,
Karur.
 - 2.The Deputy Superintendent of Police,
Karur Town Sub Division,
Karur Town Police Station,
Karur District.
 - 3.The Inspector of Police,
Karur Town Police Station,
Karur District.
 - 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR, J.

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