



Crl.OP(MD)No.13813 of 2023

WEB COPY

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

Dated: 02/08/2023

THE HON'BLE MR JUSTICE G.ILANGO VAN
Crl.OP(MD)No.13813 of 2023

P.Rajkumar

: Petitioner/ Accused-5

Vs.

State represented by
Inspector of Police,
Lalapet Police Station,
Karur District.

: Respondent/ Complainant

For Petitioner : Mr.L.K.Charles Alexander, Advocate
For Respondent : Mr.B.Nambiselvan, Additional Public Prosecutor

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

PRAYER:- For Bail in Crime No.399 of 2021 on the file of the respondent police.

ORDER: The Court made the following order:-

The petitioner/A5, who arrested and remanded to judicial custody, on 13/10/2021 for the offence punishable under section 302 IPC @ 302, 341, 120(b), 148, 109 and 212 IPC, in Crime No.399 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the de-facto complainant lodged a complaint stating that her husband by name Gopal and Gopalakrishnan used to go to the field for work. On 06/10/2021 at about 04.00 am, he went to the field for work. At about 07.00 am, she was informed that some one was lying in the field. She went



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to that place and found her husband dead body with several injuries. On the basis of the above said occurrence, a case in Crime No.399 of 2021 initially for the offence under section 302 IPC and subsequently, altered to sections 302, 341, 120(b), 148, 109 and 212 IPC.

3.During the course of investigation, the involvement of this petitioner was came to light. He was arrested and remanded to judicial custody on 13/10/2021.

4.Facing trial process before the Principal District and Sessions Judge, Karur. Several bail applications came to be filed by this petitioner, during the course of investigation as well as the during the course of trial. All those applications came to be dismissed considering the antecedents of the petitioner.

5.Now this petition has been filed on the ground that even repeated directions issued by this to the trial court to complete the trial process, it was not complied; and ever-since from the date of arrest, the petitioner is in custody and on the large period of incarceration, he is entitled for bail.

6.Per contra, the learned Additional Public Prosecutor would submit that the petitioner is not having good conduct and involved in several cases numbering about 25. According to him, among out of the 25 cases, in some of the cases, he was arrested and some of the cases still pending. Reading of long list indicates that he is involved in more than two murder cases.



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7. According to the learned Additional Public Prosecutor, such a person is not entitled for any discretionary relief at the fag end of the trial process.

8. Noting that repeated directions were issued by this court to the trial court to complete the trial process, it could not be completed. A detailed report has been called for from the trial court. A detailed report has also been submitted, wherein we see that the trial was fixed on 09/01/2023. Now, totally 33 witnesses examined as on 18/07/2023 and for further examination of the witnesses, it was posted to 02/08/2023. Since, there is a long list of witnesses to be examined, the trial could not be completed within the stipulated time.

9. The learned counsel appearing for the petitioner by relying upon the judgment of the Hon'ble Supreme Court in the case of Satender Kumar Antil Vs. Central Bureau of Investigation and another (Miscellaneous Application No.1849 of 2021 in Special Leave Petition (Crl.) No.5191 of 2021, dated 11/07/2022) would contend that pretrial detention should not be taken as casually, which will amount to punishment before the judgment. So, according to him, the period of incarceration must be taken into account by this court, while considering this bail application.

10. No doubt that the petitioner is in incarceration for sufficient time. But those criterias are not sufficient enough to enlarge the petitioner on bail, more particularly when the trial process is at the verge of conclusion. A detailed report has also been



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submitted by the trial Judge mentioning the reason for the delay. The prosecution cannot also be blamed for the delay. Various factors are involved in it.

11. When the petitioner has already involved in several previous cases, among which two murder cases are also involved, if he is released on bail at this stage, he may abscond. So, I find that this is not a fittest case to enlarge the petitioner on bail.

12. In the result, I find no merit in this petition. Accordingly, this criminal original petition stands dismissed.

sd/-
02/08/2023

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/08/2023

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

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To

1 THE INSPECTOR OF POLICE, LALAPET POLICE STATION, KARUR DISTRICT.
2 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.
3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.L.K.CHARLES ALEXANDER, Advocate (SR-11679[I] dated 02/08/2023)

ORDER IN
CRL OP(MD) No.13813 of 2023
Date :02/08/2023

RS/MMS/SAR-(08.08.2023) 4P 5C
Madurai Bench of Madras High Court is issuing
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