



Crl.OP(MD)No.14272 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 18/08/2023

THE HON'BLE MR JUSTICE G.ILANGO VAN

Crl.OP(MD)No.14272 of 2023

Gobi @ Vedi Gobi

: Petitioner/ Accused No.2

Vs.

The State through
The Inspector Police,
Orathanadu Police Station,
Thanjavur District.
(In Crime No.445 of 2014)

: Respondent/ Complainant

For Petitioner : Mr.Niranjana S.Kumar, Advocate
for Mr.C.Prithiviraj, Advocate
For Respondent : Mr.B.Nambiselvan
Additional Public Prosecutor

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

PRAYER:- To release the petitioner/accused on bail in connection with in S.C.No.136/2017 on the file of III Additional District and Sessions Judge, Pattukottai in Crime No.445 of 2014 on the file of the Inspector of Police, Orathanadu Police Station, Thanjavur District.

ORDER: The Court made the following order:-

The petitioner/A3, who was arrested and remanded to judicial custody, on 30/01/2020 for the offences punishable under sections 147, 148, 302 and 506(ii) IPC,

in SC No.136 of 2017 on the file of the III Additional District and Sessions Judge,
<https://www.mhc.tn.gov.in/judis>



Crl.OP(MD)No.14272 of 2023

Pattukottai, in Crime No.445 of 2014 on the file of the respondent police, seeks bail.

WEB COPY

2.The petitioner is facing the charges for the offence punishable under section 147, 148, 120(b), 506(ii) and 302 IPC.

3.Earlier the petitioner was arrested and released on bail. Thereafter, the petitioner did not appear before the trial court, so NBW was issued, on 31/07/2018. The petitioner was arrested on execution of NBW, on 30/01/2020.

4.Heard both sides.

5.The petitioner moved Crl.OP(MD)No.8832 of 2023 seeking bail before the Vacation Court of this Bench. It was submitted that the petitioner is in custody ever since from the date of arrest I.e., on 30/01/2020. According to him, for about 3-1/2 years, he is in judicial custody. The crime of the year 2014. Because of NBW issued against the petitioner, the trial court not be completed. He was arrested and remanded to judicial custody. It was also further submitted that the petitioner is involved in 17 previous cases out of 17 previous cases, some of the cases are under section 307 and 302 IPC offences. Apart from that, robbery cases are are pending. Considering the antecedents of the petitioner, the above said petition was dismissed. But however, direction was issued to the trial court to complete the trial process within a period of two months.

6.But now the learned counsel appearing for the petitioner would submit that



Crl.OP(MD)No.14272 of 2023

WEB COPY

the above said direction is not complied by the trial court. According to him, even the witnesses have not been cross examined, since did not implicate this petitioner. So, he has not chosen to cross examine the witnesses so far. On that account, he seeks bail.

7.A report has been called for from the trial court as to the stage of the trial. A report has also been submitted stating that the direction issued by this court was not informed to the trial court, so it could not be complied the condition. An undertaking has also been given to the effect that the above said condition will be complied.

8.Considering the antecedents of the petitioner, if the petitioner is released on bail before the completion of the trial, again, he may abscond and hamper the trial process. So, this court is not inclined to grant bail to the petitioner at this stage without going into the merits of the case. Further, there shall be a direction to the trial court to comply the earlier order of this court passed in Crl.OP(MD)No.8832 of 2023, dated 17/05/2023.

9.In the result, this criminal original petition stands dismissed.

sd/-
18/08/2023

/ TRUE COPY /

/08/2023

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

er



Crl.OP(MD)No.14272 of 2023

To

WEB COPY

1 THE PRINCIPAL SESSIONS JUDGE, THANJAVUR.

2 THE III ADDITIONAL DIST AND SESSIONS JUDGE, PATTUKOTTAI

3 THE SUPERINTENDENT, CENTRAL PRISON, CUDDALORE.

4 THE INSPECTOR OF POLICE, ORATHANADU POLICE STATION,
THANJAVUR DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.14272 of 2023

Date :18/08/2023

RS/BUC/SAR-(23.08.2023) 4P 6C

Madurai Bench of Madras High Court is issuing
certified copies in this format from 17/07/2023