



Crl.O.P.No.29335 of 2024

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A.D.JAGADISH CHANDIRA, J.

Petition seeking bail in S.C.No.430 of 2022 pending trial on the file of the IV Additional Sessions Court, Chennai, in connection with Crime No.201 of 2022 registered for the offences punishable under Sections 363, 365, 457, 380 of IPC and later altered to Sections 302, 120(b), 457, 392, 302 (2counts) r/w 201 of IPC, is on board for consideration.

2. The incarceration of the petitioner being from 08.05.2022 pleading innocence on the part of the petitioner and false implication in the case, the learned counsel for the petitioner seeks indulgence of this Court. He also submits that this is the fifth application for bail filed by the petitioner before this Court. He further submits that the petitioner is no way connected with the alleged offence, however, he is in custody for more than two years. He also submits that this Court, while dismissing the earlier bail application filed by the petitioner in Crl.O.P.No.13962 of 2023 on 26.06.2023, had directed the trial Court to complete the trial as early as possible, preferably, within a period of four months from 27.06.2023, however, the trial has not been completed



till date. Thereafter, the petitioner had subsequently filed the petitions in CrI.O.P.Nos.17196 & 22384 of 2024 before this Court and the same were also came to be dismissed. He also submits that the petitioner is ready to abide by any stringent condition that may be imposed by this Court.

3. The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that it is the case of double murder for gain. The first accused, who was working as a Driver cum Watchman in the house of the deceased, along with his friend A2/petitioner herein, preplanned and committed murder of the deceased and stolen 1140 sovereigns of gold, 57 kgs of Silver articles, a car and other things from their home. He further submits that the case has been taken up for trial in S.C.No.430 of 2022 before the IV Additional Sessions Court and there are 64 witnesses in this case, out of which, 40 have been examined and the remaining are yet to be examined and further the case posted today for examination of LW46, LW48, LW50 and LW51. He also submits that the petitioner is the native of Sikkim, therefore, if the petitioner is released on bail, there is every possibility of him absconding and not being available for the trial proceedings and which would derail the progress of the trial.



4. At this juncture, the learned counsel for the petitioner, in support of his contention, relied on the judgment passed by the Hon'ble Apex Court in the case of *Javed Gulam Nabi Shaikh vs. State of Maharastra* reported in (2024) 9 SCC 813.

5. In reply, with respect to the case referred to by the petitioner's counsel, the learned Government Advocate (Criminal Side) submits that it is the case involving 489-B, 489-C, 120-B r/w 34 IPC and in which, the accused are from Maharastra, whereas, in this case, the accused are from Nepal and Sikkim. Apart from that, in that case, the Hon'ble Apex Court had granted bail since the charges were not framed, whereas, in the case in hand, charges have been framed and out of 64 witnesses, 40 witnesses have already been examined. He further submits that the respondent are ready to conduct the trial as early as possible. Hence, he objected for grant of bail to the petitioner.

6. Having heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record including the counter filed by the respondent and considering the antecedents of the petitioner, this court is not inclined to grant bail to the petitioner.



A.D.JAGADISH CHANDIRA, J.

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7. Accordingly, the Criminal Original Petition stands dismissed. However, a direction is issued to the learned trial Judge to complete the trial in a day to day basis and it is made clear that the prosecution shall produce the witnesses without fail.

25.11.2024

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