



Crl.OP(MD)No.9445 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 15/07/2024

THE HON'BLE MR JUSTICE G.ILANGO VAN

Crl.OP(MD)No.9445 of 2024

Gopi @ Vedi Gopi

... Petitioner/ Accused 2

Vs.

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

... Respondent/ Complainant

For Petitioner : Mr.G.Karuppasamy Pandiyan, Advocate

For Respondent : M/s.M.Aasha
Government Advocate
(Criminal side)

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

PRAYER:-To enlarge the petitioner on bail in connection with in SC No.136 of 2017 on the file of the III Additional District and Sessions Judge, Pudukottai, 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/A2, who was arrested and remanded to judicial custody, on



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30/01/2020 for the offences punishable under sections 147, 148, 120B, 506(ii) and 302 IPC, in SC No.136 of 2017 on the file of the III Additional District and Sessions Judge, Pattukottai, in Crime No.445 of 2014 on the file of the respondent police, seeks bail.

2.The petitioner is facing the charges for the offences punishable under sections 147, 148, 120B, 506(ii) and 302 IPC.

3.Heard both sides.

4.A case of retaliation. As per the case of the prosecution, to retaliate the murder of the accused friend, the present murder said to have been taken place. Apart from that, it is also submitted by the learned Government Advocate (Criminal side) that the petitioner is having several cases, which are detailed in the earlier orders.

5.The learned counsel appearing for the petitioner would submit that out of the three murder cases, the petitioner was acquitted in two cases. Copies of the judgments were also produced. Apart from these matters, some other matters are also still pending before various courts.

6.The petitioner is not having good conduct. He is also having robbery, murder case, etc. in his credit.

7.This petition has been filed solely on the ground of long incarceration.

8.The learned counsel appearing for the petitioner, by relying upon the judgment of the Hon'ble Supreme Court in Ashim alias Asim Kumar Haranath



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Bhattacharya alias Asim Harinath Bhattacharya alias Aseem Kumar Bhattacharya Vs. National Investigation Agency [(2022)1 SCC (Cri) 442] would submit that the period of incarceration must be taken into account by this court for granting bail. It is also submitted by him that several directions were issued by this court to the trial court to expedite the trial process and dispose of the same within the time stipulated. In spite of repeated directions, that was not complied by the trial court.

9.A detailed report is called for from the trial court as to the steps taken by that court to dispose of the matter. A detailed report is submitted by the trial court. According to the trial court, even though the petitioner was represented by Advocate, he was not regularly appearing. Some of the witnesses were examined, but no cross examination was made by the petitioner. Apart from that, it is also submitted that the eye witness to the occurrence is now in abroad. Steps have been taken to procure him for the purpose of giving evidence. Because of that only, the trial could not be completed within the time stipulated by this court. Apart from that, it is also submitted that some of the witnesses though received summons, failed to appear. Witness summons were also issued.

10.The learned counsel appearing for the petitioner would submit that this case is going to be end in acquittal, because the witnesses so far examined have not supported the case of the prosecution.



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11.Perusal of the report of the trial court shows that some of the witnesses turned hostile and the remaining witnesses namely the complainant and the occurrence witnesses are to be examined. So this ground is not available to the petitioner.

12.Even though there is a delay in complying the directions issued by this court within the time, but considering the antecedents of the petitioner, I am of the considered view that if the petitioner is released on bail, there is no guarantee that he will not abscond and tamper the evidence while on bail. So, this cannot be considered to be a case of exceptional circumstances to grant bail pending trial process.

13.Absolutely, I find no reason to entertain this petitioner. Accordingly, this petition is dismissed. But however, the concerned trial court is directed to comply the directions issued by this court earlier without fail.

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

sd/-
15/07/2024

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/07/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO
1 THE III ADDITIONAL DIST AND SESSIONS JUDGE,
PUDUKOTTAI

<https://www.hmc.tn.gov.in/judis>



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

3 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

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

ORDER IN
CRL OP(MD) No.9445 of 2024
Date :15/07/2024

SA/VR/SAR. /22.07.2024/5P/5C

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