



Crl.O.P.No.18864 and 18032 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.07.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.18864 and 18032 of 2025

Raguman @ Seik Ibraheem

.. Petitioner in Crl.O.P.No.18864 of 2025

Silambarasan

.. Petitioner in Crl.O.P.No. 18032 of 2025

Vs.

State rep. by

The Inspector of Police

F-5, Choolaimedu Police Station

Chennai

Crime No. 650 of 2013

... Respondent in both Crl.O.P's.

COMMON PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail in S.C.No.367 of 2013 pending before IV Additional Sessions Court, Chennai-104

For Petitioner

in Crl.O.P.No.18864/2025

:Mr. R.Sadasivam

For Petitioner in

Crl.O.P.No.18032/2025

: Mr.N.S.Sivakumar

For Respondent

in both Crl.O.P.'s

: Mr.R.Vinoth Raja
Government Advocate (crl.side)



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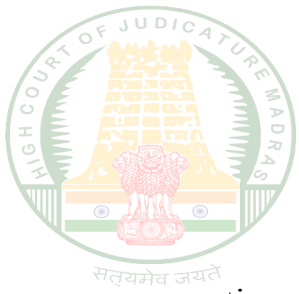
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COMMON ORDER

The petitioners/A1 and A3, who were arrested and remanded to judicial custody on 10.07.2024 and 24.04.2025 for the offences punishable under Sections 341, 302, 506(ii) r/w Section 34 of IPC in connection with Crime No. 650 of 2013 registered on the file of the respondent, seeks bail.

2. The case of the prosecution is that due to previous enmity, the petitioners along with other accused committed a murder of one Kotteswaran on 01.06.2013 in front of the house of the deceased. Hence, the case.

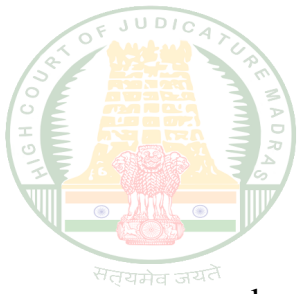
3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He also submitted that the petitioners are in no way connected with the alleged offence, however, they are suffering incarceration from 10.07.2024 and 24.04.2025. It is the contention of the petitioners that the petitioners were earlier granted bail by this Court in Crl.O.P.No.17839 of 2024 on 26.07.2024 with one of the condition that they shall report before the Trial Court on every Tuesday at 10.30am., and shall co-operate with the trial proceedings without fail, failing which the bail granted shall automatically stands cancelled. It is their contention that the petitioners had been complying with the conditions regularly and co-



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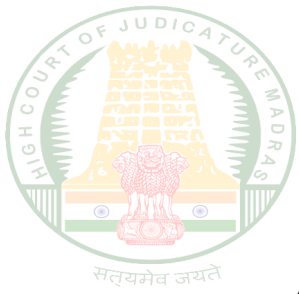
operating with the trial. However, the trial Court had issued NBW's to A1 and A3 on 05.06.2024 and 16.04.2025 respectively and they were remanded to judicial custody on 10.07.2024 and 24.04.2025. He further submits that A1 hails from a poor background and was unable to engage a counsel due to financial constraints. Accordingly, through DLSA on 03.12.2024, the present counsel was appointed and a petition under Section 348 of BNSS was filed on 19.12.2024 to recall the witnesses for cross-examination. The case was subsequently adjourned to 16.04.2025. It is further submitted that arguments on behalf of the petitioners have been completed and the case has been posted for arguments on the side of prosecution. He further submits that A1 suffered injury at spinal cord and was undergoing treatment from 01.03.2025 to 08.04.2025. Due to which, he could not appear before the trial Court on the hearing dates. The petitioner/A3 submits that NBW was issued against him on 16.04.2025 and the same was executed on 24.04.2025. He further submitted that the petitioners will comply the conditions imposed without fail and hence, he prayed for grant of bail to the petitioners.

4. Learned Government Advocate (Crl.side) appearing for the



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respondent police, strongly opposed the contentions of the petitioners and submitted that the alleged offence took place in the year 2013. In this case, investigation has been completed and charge sheet has been filed and the same was taken on file on S.C.No.367 of 2013. Despite the lapse of nearly 12 years, the trial has not yet been completed. In this case, there are totally 18 witnesses, although all the witnesses were examined-in-chief in the presence of A1 not even a single witness has been cross-examined. He further submits that A1 had earlier obtained anticipatory bail from this Court but failed to engage a counsel before the Trial Court thereby, protracting the proceedings. Thereafter, the trial court had appointed a counsel through DLSA on 03.12.2024, who then filed a petition under Section 348 of BNSS to recall the witnesses. As a result, the trial had to recommence for A1. As far as A3 is concerned, it was submitted that he had also absented himself from the trial on several occasions from the year 2020. Although NBW was issued and subsequently recalled, he failed to appear before the Trial Court regularly thereafter. The learned Government Advocate (Crl.side) further contended that in this case, there are totally four accused and all of them adopting dilatory tactics to protract the proceedings. Hence, he opposed to grant bail to the petitioners.



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5. Heard both sides and perused the materials available on record.

6. Considering the facts and circumstances of the case, nature of allegations, submissions made by the learned counsels on either side, this Court is of the view that the case is of the year 2013 and has been pending for nearly 12 years and the trial is yet to commence. It is seen that A1 in this case had not cross-examined not even a single witness and the petitioners had adopted dilatory tactics to delay the trial proceedings thereby preventing the matter from reaching finality. In view of the same, this Court finds no reason to grant the relief sought for by the petitioners. Hence, this Court is not inclined to grant bail to the petitioners. However, the Trial Court is directed to complete the trial without any delay within a period of three months from the date of receipt of copy of this order.

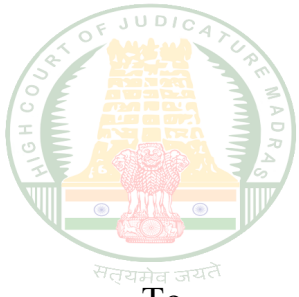
7. Accordingly, the criminal original petitions stands dismissed.

02.07.2025

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M.NIRMAL KUMAR, J.

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To

1. The IV Additional Sessions Court, Chennai-104

2. The Inspector of Police
F-5, Choolaimedu Police Station
Chennai

3. The Superintendent,
Puzhal Prison-II

4. The Superintendent,
Central Puzhal Jail.

5. The Public Prosecutor,
High Court, Madras.

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