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Crl.O.P.No.33387 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-12-2025

CORAM

THE HONOURABLE MR JUSTICE K. RAJASEKAR

CRL OP NO.33387 of 2025

Suresh @ Suresh Sah

... Petitioner/ Accused

Vs

The State rep. by,
The Inspector of Police,
Dharapuram Police Station,
Tiruppur District.
(Crime No.236 of 2013)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to grant bail to the petitioner/accused in S.C.No.46 of 2025 pending trial on the file of the learned Sessions Judge, Tiruppur.

For Petitioner(s) : Mr. S. Manoj Vasanth

For Respondent(s) : Mr. A. Gopinath
Government Advocate (Crl. Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 10.11.2024 based on execution of NBW dated 09.01.2015 in P.R.C.No.02 of 2015 on the file of the learned Judicial Magistrate, Dharapuram and later the case was committed and taken on file as S.C.No.46 of 2025 pending trial on the file of the learned Sessions Judge, Tiruppur for the offences under Sections 302 of IPC, seeks bail.

2. The case of the prosecution is that, the petitioner herein has been arrayed as an accused in Crime No.236 of 2013 for the offences under Section 302 of IPC; that the final report was filed by the respondent on 05.05.2013, wherein the accused was shown as an absconding accused; that thereafter, the case was taken on file on 09.01.2015 as P.R.C.No.02 of 2015 on the file of the learned Judicial Magistrate, Dharapuram and a NBW was issued against the petitioner herein; that thereafter the petitioner herein was apprehended on 10.11.2024 and subsequently, the case was committed to the Principal Sessions Court, Tiruppur and taken on file as S.C.No.46 of 2025. Hence, this case.



3. The learned counsel appearing for the petitioner submitted that petitioner has been falsely implicated in this case and he is in judicial custody since 10.11.2024; that the trial of this case is not progressing and the petitioner is in custody for more than one year. He further submitted that the petitioner has no previous antecedents and he is ready to abide by any conditions that may be imposed by this Court and sought for bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent while opposing the bail to the petitioner submitted that the petitioner herein was absconded nearly for 9 years; that the charges are now been framed in this case and there are totally 15 witnesses in this case; and the next date of hearing is on 16.12.2025. He also submitted that, a time limit may be fixed to the trial Court for completion of the trial in this case.

5. This Court, vide order dated 05.12.2025 has called for report from the Trial Court concerned and the report of the Trial Court reveals that, though the petitioner herein was remanded to judicial custody in this case, the case has been committed to the Sessions Court, Tiruppur after assigning S.C.No.46 of 2025 and made out for the trial, however the



petitioner has not engaged any counsel, hence in order to expedite the proceedings, only on 21.07.2025, the Legal Aid Defence Counsel has entered appearance on behalf of the accused; that thereafter, the charges were framed against the accused on 02.12.2025 and the case stands posted for commencement of trial on 16.12.2025. It is also stated that the Trial Court in this case is also a designated Court for trial of POCSO Cases.

6. The Constitution Bench of Apex Court in ***High Court Bar Association, Allahabad vs. The State of Uttar Pradesh [(2024) 6 SCC 267]*** has held that in the ordinary course, the Constitutional Courts should refrain from fixing a time-bound schedule for the disposal of cases pending before any other Courts. In view of the same, fixing a time limit to the Trial Court for completion of the trial, without knowing the workload of the Trial Court is not permissible.

7. Considering the above facts, nature of offence and taking note of the fact that the petitioner herein had absconded nearly for nine years and taking note of the fact that the charges are now framed and the trial has commenced in this case, if the petitioner is enlarged on bail, there is a possibility of hampering of trial process, hence this Court is not inclined to grant bail to the petitioner at this stage. However, considering the fact that



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the petitioner is in judicial custody for more than one year, the Trial Court shall made every endeavour to dispose the trial of this case, at the earliest.

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8. With the above observations, this criminal original petition stands dismissed.

16.12.2025

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To

1. The Sessions Judge, Tiruppur.
2. The Inspector of Police,
Dharapuram Police Station,
Tiruppur District.
(Crime No.236 of 2013)
3. The Public Prosecutor,
High Court of Madras.

K. RAJASEKAR, J.

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