



CrI.A.(MD)No.1023 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.10.2025

CORAM :

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

CrI.A.(MD)No.1023 of 2025

Baba @ Jayanth Rajini

...Appellant/
Petitioner/
Accused No.1

Vs.

1.The Deputy Superintendent of Police,
Thiruvaiyaru Sub Division,
Thanjavur District.

2.State rep. by
The Inspector of Police,
Naducavvery Police Station,
Thanjavur District.
(Crime No.248 of 2019)

... Respondents/
Respondents/
Complainant

3.A.Sudhakar

...3rd Respondent/
Defacto
Complainant

PRAYER: Criminal Appeal filed under Section 14(A) of SC/ST (POA) Act, praying to set aside the order dated 29.08.2025 passed by the



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learned 1st Additional District and Sessions Judge (PCR), Thanjavur in Crl.M.P.No.654 of 2025 in S.S.C.No.55 of 2020 by allowing this criminal appeal.

For Appellant : Mr.S.Manikandan

For Respondents : Mr.K.Gnanasekaran
Government Advocate (Crl. Side) for R1 & R2

Mr.A.Jameel Arasu for R3

JUDGMENT

This Criminal Appeal has been filed seeking orders to set aside the order passed in Crl.M.P.No.654 of 2025 in S.S.C.No.55 of 2020, dated 29.08.2025, on the file of the I Additional District and Sessions Court (PCR), Thanjavur, dismissing the petition for bail filed under Section 483 B.N.S.S.

2. The appellant is the first accused, facing the charges under Sections 147, 148, 120(B), 109, 149, 342, 427, 324, 307, 302 IPC r/w Section 3(1)(r) of the SC/ST (POA) Act.

3. The case of the appellant is that the appellant was unable to attend the Court for the hearing on 01.08.2025 and his application to



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condone his absence under Section 355 B.N.S.S. was dismissed and hence, Non-Bailable Warrant (NBW) was ordered to be issued, that subsequently, the appellant was arrested on 22.08.2025 and remanded to judicial custody and that since the appellant is in judicial custody for the past 55 days, he may be enlarged on bail.

4. Today, the third respondent / defacto complainant is present before this Court.

5. The learned counsel appearing for the third respondent would submit that Non-Bailable Warrant (NBW) was issued for the fourth time against the appellant, that the third respondent is an injured witness in the present murder case, that the accused in the present case have been protracting the case by absenting themselves one or other, that the case is pending from 2020 for the past five years without any progress and that they are having serious objections to grant bail.

6. The learned Government Advocate (Criminal Side) appearing for the respondents 1 and 2 would submit that the appellant is having



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four previous cases, that the learned Sessions Judge, in the impugned order, has specifically observed that the case has been dragged till date without any progress because of the absence of the accused one or other, that warrant was issued against the appellant for the fourth time and the same was executed and he was arrested on 22.08.2025 and is in prison and that they are having serious objections to grant bail to the appellant.

7. It is pertinent to mention that though charge sheet was taken on file as early as on 06.10.2020, is pending for the past five years without any progress.

8. It is not in dispute that copies were furnished to the accused very recently on 09.10.2025 and trial was scheduled on 17.10.2025. Since the case was pending for the past five years without any progress, this Court directed the Superintendent of Police, Thanjavur District and the learned I Additional District and Sessions Judge (PCR), Thanjavur to submit reports with regard to the pendency of the above case for the past five years. In pursuance of the same, the Superintendent of Police, Thanjavur District submitted a report stating that the case has been



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adjourned 89 times due to various reasons including the absence of the accused or pendency of Non-Bailable Warrant (NBW) against some of the accused and that all the accused except A5 are habitual offenders and after long time, copies were furnished to the accused in September 2025 and charges were framed on 09.10.2025. The I Additional District and Sessions Judge (PCR), Thanjavur submitted a report dated 03.10.2025 stating that the Court could not proceed with the case due to the frequent non-appearance of the accused and due to the intentional dragging of the case and that the case is pending for the past five years without any progress.

9. Admittedly, Non-Bailable Warrant (NBW) was issued against the appellant for the fourth time and the same came to be executed and the appellant is in judicial custody.

10. Considering the above facts and circumstances and also the fact that there was no progress for the past five years and that was only due to the accused and taking note of the fact that fourth time Non-Bailable Warrant (NBW) was issued against the appellant, this Court is



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not inclined to grant bail to the appellant at this point of time. Hence, the impugned order dismissing the bail petition cannot be found fault with. Consequently, this Court concludes that the criminal appeal, which is devoid of merits, is liable to be dismissed.

11. Notably, Section 14(3) of the SC/ST (POA) Act mandates that Special Court trials proceed on a day-to-day basis until all witnesses are examined, with completion within two months from charge sheet filing. Since, this Court is not inclined to enlarge the appellant on bail, the trial Judge is to be directed to complete the trial as per the time frame fixed in the Act itself. In the present case, the case is pending for the past five years without any progress.

12. In the result, this Criminal Appeal is dismissed. The learned I Additional District and Sessions Judge (PCR), Thanjavur, is directed to complete the trial in S.S.C.No.55 of 2020 within a period of two months as stipulated in the Statute.

14.10.2025

NCC :Yes/No
Index :Yes/No
Internet : Yes/ No
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K.MURALI SHANKAR, J.

csn

Judgment made in
Crl.A.(MD)No.1023 of 2025

Dated : 14.10.2025