



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 13/10/2020

PRESENT

The Hon'ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.11264 of 2020

Soundarrajan @ Perumal

... Petitioner/Accused no.1

Vs

The State rep. by
The Inspector of Police,
Kulithalai Police Station,
Kulithalai,
Karur District.
Cr.No. 320 of 2019.

... Respondent/Complainant

For Petitioner : M/s.N.Pragalathan,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Criminal Side)

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

PRAYER :-

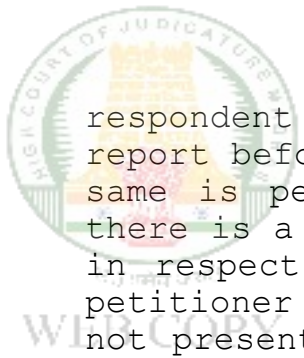
For Bail in Cr.No.320 of 2019 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A1 herein was arrested and remanded to judicial custody on 31.07.2019 for the alleged offences under Sections 147,148, 302,120(B),341 and 506(ii) of IPC.

2. There are totally 10 accused in this case and the petitioner here in arrayed as A1. The case of the prosecution is that the petitioners and other accused persons had murdered the defacto complainant's brother and father.

3. The learned counsel for the petitioner would submit that the name of the petitioner does not found place in the First Information Report and only based on the confession statement of the co-accused this petitioner was implicated. He would also submit that



respondent police has completed the investigation and filed final report before the learned District and Sessions Judge, Karur and the same is pending trial in S.C.No.74 of 2019. He further submitted there is a dispute between the first accused and the deceased family in respect of the encroachment of some poramboke property and the petitioner is no way connected with the said occurrence and he is not present in the scene of occurrence. He would also submit that the petitioner is in jail for more than one year, hence he may be granted bail.

4. The learned Government Advocate (Criminal Side) would submit that it is case of retaliation murder. The deceased are brother and father of the defacto complainant. The first accused/petitioner herein encroached some of the property belonging to the temple in which the second deceased was a poojari and the second deceased also filed a Writ Petition before this Court for removal of encroachment of the first accused and thereafter there was enmity between two groups and all the accused persons decided to take away the life of the deceased and on the date of occurrence they waylaid the two wheeler of the first deceased and attacked him with deadly weapons and on the spot the first deceased died and immediately they went to the house of the second deceased name the father of the defacto complainant and attacked him with deadly weapons in front of his son and grandson and the second deceased also died on the spot. He would also submit that respondent police has completed the investigation and filed final report before the learned District and Sessions Judge, Karur and the same is pending trial in S.C.No.74 of 2019 and there is threat from the accused persons to the deceased family for which they were provided with adequate police protection. Hence he opposed to grant bail to the petitioner.

5. It is a case of double murder. The occurrence took place on 29.07.2019. There was a dispute between the first accused and the deceased family in respect of encroachment of temple property by the first accused. The second deceased was a poojari of Ayyanar temple. In this regard the second deceased also filed a Writ Petition before this Court in WP(MD) No.16338 of 2016 for removal of encroachment in the water body at Mudalaipatti Village. Though this Court has passed an positive order parties concerned did not comply with the said order and as such the second deceased was constrained to file an contempt petition before this Court. While being so, all the accused persons had taken away the life of the first and second deceased in the day light. Though the name of the petitioner does not found place in the First Information Report, specific overt act has been attributed against the petitioner and trial in this case is yet to commence before the trial Court. Further there is life threat to the deceased family by the accused persons for which they were provided with police protection. At this juncture, this Court is not inclined to grant bail to the petitioner.



6. In the result, the petition stands dismissed.

sd/-
13/10/2020

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/ /2020

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE SUPERINTENDENT,
CENTRAL PRISON,
TRICHY
2. THE INSPECTOR OF POLICE,
KULITHALAI POLICE STATION,
KULITHALAI, KARUR DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.11264 of 2020
Date :13/10/2020

AAV
SRS/ SMA/SAR-III/ 15.10.2020/ 3P/4C