



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

Date : 03/12/2020

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PRESENT

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

CRL OP(MD). No.13898 of 2020

Muthusudar

... Petitioner/Accused No.2

Vs

The State rep.by
The Inspector of Police,
Eral Police Station,
Thoothukudi District.
Crime No.331/2020

... Respondent/Complainant

For Petitioner : Mr.Thalaimutharasu, Advocate for
Mr.A.S.Vaigunth, Advocate.

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

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

PRAYER :-

For Bail in Crime No.331 of 2020 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 04.07.2020 for the offences punishable under Sections 294 (b), 324, 302, 307 and 506 (ii) of IPC on the file of the respondent police seeks bail.

2.The case of the prosecution is that the petitioner along with other accused abused the defacto complainant with filthy language and attempted to murder him with aruval and caused grievous injuries to him and also attacked his friend and mother and caused their death. Further, he attempted to murder his father. Hence, the



3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the case has been charge sheeted and the same has been taken on file in S.C.No.236 of 2020 and the petitioner is in custody from 04.07.2020. Hence, he prayed for grant of bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that it is a case of double murder. A1's sister fell in love with the defacto complainant and also got married with him. After, the marriage, the defacto complainant demanded more dowry from his wife/A1's sister and due to which he harassed her, which was disclosed by the wife of A1 to A1. Then A1 entered into conspiracy with the other accused to kill his own brother-in-law/defacto complainant. Then the petitioner along with all the accused accused abused the defacto complainant with filthy language and attempted to murder him with aruval and caused grievous injuries to him and also attacked his friend and mother and caused their death. Further, he attempted to murder his father. Hence, he opposed to grant of bail to the petitioner.

5.Heard both sides.

6.It is seen that it is the case of double murder. The first accused's sister fell in love with the defacto complainant and also got married him. Thereafter, the defacto complainant demanded more dowry from his wife and the same was informed to the first accused by his wife. Due to the said motive, the first accused along with the other two accused, went to the place of occurrence and attacked the defacto complainant. At the time of occurrence, there was a presence of the first deceased along with the defacto complainant, he also sustained grievous injury and died. The accused persons went to the house of the defacto complainant and asked his mother about the defacto complainant and all the accused persons brutally attacked the mother of the defacto complainant and caused grievous injury. Thereby, she died. Therefore, two persons died and also the defacto complainant sustained grievous injury. Therefore, the accused persons have committed very heinous offences of two murder and one person got severe injury. The respondent completed the investigation and filed final report before the II Additional Sessions Judge Court, Thoothukudi and the same has been taken cognizance in S.C.No.236 of 2020.

7.Taking note of the above facts and circumstances of the case, this Court is not inclined to grant bail to the petitioner.

8.Accordingly, this Criminal Original Petition is dismissed.



9.The trial Court is directed to complete the trial proceedings within a period of nine months from the date of receipt of a copy of this order.

sd/-
03/12/2020

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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 II ADDITIONAL SESSIONS JUDGE, THOOTHUKUDI.
- 2.THE INSPECTOR OF POLICE,
ERAL POLICE STATION,
THOOTHUKUDI DISTRICT.
- 3.THE OFFICER INCHARGE,
DISTRICT PRISON, PERAVOORANI,
THOOTHUKUDI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.13898 of 2020
Date :03/12/2020

DSS
TK/JC/SAR.4/10.12.2020/3P/5C