



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

Date : 03/12/2020

PRESENT

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

CRL OP(MD) . No.13684 of 2020

Vigneswaran @ Vicky

... Petitioner/Accused No.10

Vs

The State rep.by,
The Inspector of Police,
Anna Nagar Police Station,
Madurai District.
Crime No.1545 of 2020.

... Respondent/Complainant

For Petitioner : Mr.R.Mariappan,
Advocate.

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

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

PRAYER :-

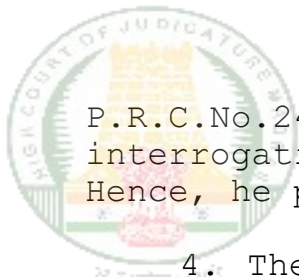
For Bail in Crime No.1545 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/A10, who was arrested and remanded to judicial custody on 21.08.2020 for the offences punishable under Sections 147, 148, 342, 307 and 302 of IPC on the file of the respondent police seeks bail.

2.The case of the prosecution is that due to previous enmity between the 1st accused and the deceased regarding the possession of Auto, the petitioner along with other accused said to have attacked the deceased with aruval & kathi and caused severe injuries. Thereby, the deceased died on the spot. Hence, the complaint.

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 there are totally 11 accused in which, the petitioner arrayed as 10th accused. In this case, already charge sheet was laid before the learned Judicial Magistrate No.VI, Madurai and the same was taken cognizance in



P.R.C.No.246 of 2020. It is also pending. Therefore, the custodial interrogation of the petitioner would not help to the prosecution. 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 due to previous enmity between the 1st accused and the deceased regarding the possession of Auto, the petitioner along with other accused said to have attacked the deceased with aruval & kathi and caused severe injuries. Thereby, the deceased died on the spot. He further submitted that final report was filed before the learned Judicial Magistrate concerned and the same has been taken cognizance in P.R.C.No.246 of 2020 and it is pending. If the petitioner released on bail, same thing will happen to the petitioner.

5.Heard both sides.

6. It is seen that it is the case of retaliation murder occurred in the year 2014. There were totally six murders were happened between the petitioner's group as well as the rival group. Though, the respondent police laid charge sheet before the Court concerned, if the petitioner is released on bail, the same consequences will happen. Therefore, only on the well fare of the petitioner, this Court is felt that if the petitioner released on bail, the same thing will happen to the petitioner also. That apart, six persons were already detained under the Goondas Act.

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.However, the learned counsel for the petitioner would submit that this Court may direct the trial Court to complete the committal proceedings within a stipulated time.

10.Considering the above request, the learned Judicial Magistrate No.VI, Madurai is directed to complete the committal proceedings within a period of two weeks from the date of receipt of a copy of this order and thereafter, the trial Court is directed to complete the trial proceedings within a period of nine months after the date of receipt of case bundles from the court below.

sd/-
03/12/2020

/ TRUE COPY /

/ /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 JUDICIAL MAGISTRATE NO.VI, MADURAI.
- 2.DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3.THE PRINCIPAL DISTRICT JUDGE, MADURAI.
- 4.THE SUPERINTENDENT, CENTRAL PRISON,
MADURAI.
- 5.THE INSPECTOR OF POLICE,
ANNA NAGAR POLICE STATION, MADURAI DISTRICT.
- 6.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.13684 of 2020
Date :03/12/2020

DSS
PK/AKM/SAR-II/09.12.2020 : 3P/7C