



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.13938 of 2020

P.Kannan

... Petitioner/5th Accused

Vs

The State represented through,
The Inspector of Police,
Thiruchuli Police Station,
Virudhunagar District.
Crime No. 7 of 2020.

... Respondent/Complainant

For Petitioner : M/s.N.Saravanan,
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.7 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

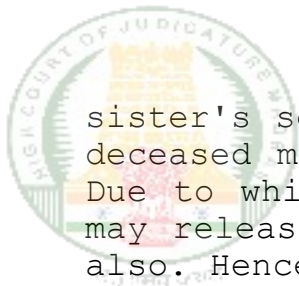
The petitioner/A5, who was arrested and remanded to judicial custody on 09.10.2020 for the offences punishable under Sections 302 and 506 (ii) of IPC on the file of the respondent police seeks bail.

2.The case of the prosecution is that due to vengeance, the petitioner along with other accused person said to have attacked the deceased with deadly weapons and caused his death. 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 the petitioner's name was not mentioned in the FIR and the petitioner is in custody from 09.10.2020. 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 the accused group murdered the

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sister's son of the deceased one Karuppasamy. Due to vengeance, the deceased murdered one Arvind, who is belongs to the accused group. Due to which, the accused murdered the deceased. If the petitioner may released on bail, the same thing will happen to the petitioner also. Hence, he vehemently opposed to grant bail to the petitioner.

WEB COPY

5. Heard both sides.

6. It is seen that it is the case of retaliation murder. The petitioner is arrayed as 5th accused. He is accused in another case of murder of one Karuppasamy, who is the sister's son of the deceased. Hence, the deceased murdered one Arvinde, who is belongs to the accused group. Due to which, all the accused persons entered into conspiracy and decided to murder the deceased. Therefore, the petitioner engaged other accused persons and murdered the deceased Manikandan. The occurrence took place on 22.01.2020. The petitioner was surrendered only on 09.10.2020 insofar as the other accused A2 and A3 is concerned, they were arrested and released on bail. Insofar as the petitioner is concerned, he is the person, who engaged other accused persons to murder the deceased. If the petitioner is released on bail, the same consequences will happen to the petitioner also. Further, he was surrender only on 09.10.2020.

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.

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 SUPERINTENDENT, CENTRAL PRISON,
MADURAI.

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2. THE INSPECTOR OF POLICE,
THIRUCHULI POLICE STATION,
VIRUDHUNAGAR DISTRICT.

3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.13938 of 2020

Date : 03/12/2020

DSS

PK/AKM/SAR-II/10.12.2020 : 3P/4C