



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

Date : 17/12/2020

PRESENT

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

CRL OP(MD) . No.15037 of 2020

Balakumar @ Thavala Bala

... Petitioner/1st Accused

Vs

The State rep.by,
The Inspector of Police,
K.Pudur Police Station(L & O),
Madurai City.
(Crime No. 414 of 2019).

... Respondent/Complainant

For Petitioner : M/s.S.Poornachandran,
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. 414 of 2019 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 23.08.2019 for the offences punishable under Sections 147,148,341 and 302 of IPC @ 147,148,341,302,212 r/w. Section 149 and 120(B) of IPC on the file of the respondent police seeks bail.

2.The case of the prosecution is that the petitioner and the other accused brutally murdered the deceased for the reason that one of the associated of the accused person was murdered by the deceased on the road.

3.The learned counsel for the petitioner would submit that there are totally 15 accused in this case and the petitioner herein

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is arrayed as A1. He was arrested and remanded to judicial custody on 23.08.2019, subsequently he was detained under Act.14 and thereafter the same was set aside by this Court in HCP(MD) No.511 of 2020 by an order dated 25.09.2020. Investigation in this case is completed and the final report has been filed before the learned I Additional District Judge, Madurai and the same has been taken cognizance in S.C.No.24 of 2020, therefore custodial interrogation of the petitioner does not required and as such he sought for bail.

4. The learned Government Advocate(Crl.Side) would submit that it a case of retaliation murder. One Sridhar associate of the accused persons was murdered by the deceased, therefore all the accused persons had taken the deceased to the road and murdered him with deadly weapons. Further he was detained under Act.14 and thereafter the same was set aside by this Court in HCP(MD) No.511 of 2020 by an order dated 25.09.2020. He would also submit that trial is in progress and further submitted that three previous case in Crime Nos.830 of 2019, 938 of 2019 and 687 of 2019 are pending against the petitioner, hence opposed to grant bail to the petitioner.

5. It is seen that there are totally 15 accused in this case and the petitioner herein is arrayed as A1. One Sridhar associate of the accused persons was murdered by the deceased, therefore all the accused persons had taken the deceased to the road, brutally attacked him, as such he sustained injuries and died. It is a case of retaliation murder, hence this Court is not inclined to grant bail to the petitioner.

6. In the result, the petition stands dismissed. Further the trial Court is directed to completed the trial as expeditiously as possible preferably within a period of nine months from the date of receipt of a copy of this order.

sd/-
17/12/2020

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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 I ADDITIONAL DISTRICT JUDGE,
MADURAI
2. THE SUPERINTENDENT, CENTRAL PRISON,
MADURAI
3. THE INSPECTOR OF POLICE,
K.PUDUR POLICE STATION (L AND O) ,
MADURAI CITY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP (MD) No.15037 of 2020
Date : 17/12/2020

AAV
PK/SMA/SAR-III/21.12.2020 : 3P/5C