



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

Date : 22/04/2021

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PRESENT

The Hon'ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) No.5453 of 2021

1. Karuthapandi
2. Karuppasamy @ Rasu
3. Thangaraj
4. Mariraj
5. Karuppasamy
6. Kanagaraaj
7. Selvaganesh
8. Sankarapandian
9. Marimuthu

... Petitioners/Accused No.1to9

Vs

The State rep. by
The Inspector of Police,
Kovilpatti West Police Station,
Thoothukudi District.
(In Crime No.200/2021).

... Respondent/Respondent

For Petitioners: Mr.Prabhu.M.,
Advocate.

For Respondent : Mr.K.Dinesh babu,
Additional Public Prosecutor

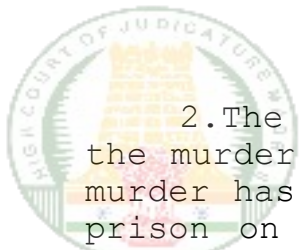
PETITION FOR BAIL Under Section 439 of Cr.P.C

PRAYER :-

For Bail in Crime No.200/2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 to A9, who were arrested on 15.03.2021 for the offences under Sections 294(b), 307, 506(ii) of IPC @ 120(b), 147, 148, 341, 294(b), 302 and 506(ii) of IPC in Cr.No.200 of 2021 on the file of the respondent police, seek bail.



2.The case of the prosecution is that due to retaliation for the murder of Karuppasamy and Maharajan, in the year May 2020, this murder has taken place. The deceased Balamurugan came out from the prison on 13.02.2021. While signing before the Kovilpatti Police Station, daily at 10.00 a.m., the de-facto complainant was accompanying with him. When the deceased Balamurugan, on 03.03.2021 at about 10.00 a.m., after complying with the condition before the Kovilpatti Police Station, was proceeding in his Two-wheeler bearing Registration No.TN-69-BD-9135 Splender, the de-facto complainant and one Chinnadurai had followed in their Two-wheeler. When they were coming near Gandhi Nagar at about 10.45 a.m., one Indigo Car dashed the Two-wheeler of Balamurugan from behind and one Kalisamy attacked the deceased with aruval and another person also attacked him with aruval. When the deceased tried to escape, they were chased him and not able to run, deceased(Balamurugan) fell down. Then, Karuppasamy attacked the deceased with aruval and Kalisamy also attacked the deceased with aruval. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they are no way connected with the alleged occurrence and their names are not found in the First Information Report and they were falsely implicated subsequently. He would further submit that the petitioners were arrested on 15.03.2021 and still in judicial custody, hence he seek bail.

4.The learned Additional Public Prosecutor appearing for the respondent police strongly opposed this petition on the ground that originally in the First Information Report, there are two named accused and three unnamed accused and later, it was revealed in the investigation that 12 persons were involved in this crime. A-1 and A-5 are detained under Act-14 and lodged in the prison. Except A-5 and A-8, the other accused are having previous cases, which are pending. Investigation is not yet completed.

5.Considering the nature of offence levelled against the petitioners and the fact that 12 persons were involved in the commission of offence and some of the accused are having previous cases, which are pending and the investigation in this case is at preliminary stage, this Court is not inclined to grant bail to the petitioners.

6.In the result, this petition is dismissed.

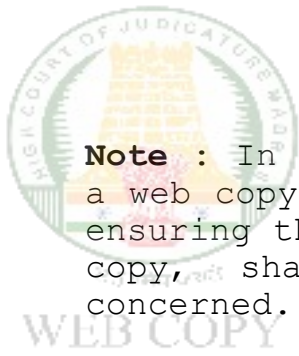
sd/-

22/04/2021

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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,
PALAYAMKOTTAI.
2. THE INSPECTOR OF POLICE,
KOVILPATTI WEST POLICE STATION,
THOOTHUKUDI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.5453 of 2021

Date :22/04/2021

SJI

SRS/PN/SAR-II/10.05.2021/3P/4C