



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/06/2021

WEB COPY

PRESENT

The Hon'ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) No.7710 of 2021

Arunachalam

... Petitioner/Accused No.3

Vs

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

... Respondent/Complainant

For Petitioner : Mr.Joseph Zinoson,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabakar,
Additional Public Prosecutor

PETITION FOR BAIL Under Section 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, who was arrested on 04.07.2020 for the offences punishable under Sections 294(b), 324, 307, 302, 506(ii) IPC in Crime No.331 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant and one Sangeetha were in love with each other. Initially, their affair was accepted by the family of the said Sangeetha and they got married. After marriage, the defacto complainant was living in his wife's house. He was ill-treated by his in-laws. Therefore, he informed the same to his brother. On 01.07.2020 the brother of the defacto complainant told him to get 40 sovereigns of gold jewels from his wife's family. The defacto complainant informed the same to his wife on 02.07.2020 at about 10.00 am., and she also accepted for the same. On the same day, at about 08.30 pm., the brother of the said Sangeetha contacted him over phone and requested him to come



near near Sivakalai Panchayat Office. Therefore, the defacto complainant and his brother went to the said place. At that time, the brother of the said Sangeetha abused them in filthy language and started attacking them. Therefore, they ran for life. Near Sivakalai Bus Stop, one Arunmahesh, who is the relative of the defacto complainant, stopped them and all the accused attacked him with deadly weapons. Thereafter, the defacto complainant ran to his house and the accused pursued him, the parents of the defacto complainant stopped them. Due to that, the accused attacked the parents of the defacto complainant and threatened them with dire consequences. Due to the attack made by the accused, the relative of the defacto complainant Arunmahesh and the mother of the defacto complainant died. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is in jail for more than 10 months and there is no progress in the trial, hence he seeks bail.

4. The learned Additional Public Prosecutor opposed the bail petition on the ground that it is a case of double murder and there is a possibility of abscondance. The petitioner has also filed bail petition in Crl.O.P(MD) No. 6785 of 2021 during vacation without mentioning the earlier petition which was dismissed. He would further submit that there are 41 witness in this case and 14 witnesses have been examined and remaining 27 witnesses are yet to be examined and the case stands posted on 02.07.2021.

5. When this matter was brought before this Court it appears that the petition filed in Crl.O.P(MD) No. 6785 of 2021 was dismissed with liberty to the petitioner to filed a fresh petition. Armed with that order, the petitioner has filed this petition and this is the fourth bail petition.

6. Considering the serious offence committed by the petitioner and the fact that the trial is in progress and also taking into consideration the apprehension raised by the learned Additional Public Prosecutor this Court is not inclined to grant bail to the petitioner.

7. Hence the petition stands dismissed. However the trial Court is directed to complete the trial proceedings as early as possible preferably within a period of two months from the date of commencement of normal functioning of the sub ordinate Courts.

sd/-

15/06/2021

/ TRUE COPY /

/ /2021

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 DISTRICT.
2. THE SUPERINTENDENT,
PALAYAMKOTTAI CENTRAL JAIL,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
ERAI POLICE STATION,
THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.7710 of 2021
Date :15/06/2021

AAV
SRS/JC/SAR-II/21.06.2021/3P/5C