



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
DATED: 30.09.2021
PRESENT

THE HON'BLE MR JUSTICE G.ILANGO VAN

Crl.O.P. (MD) No.14507 of 2021

R.Kannan

... Petitioner/Accused No.1

Vs.

The State represented by
The Inspector of Police,
Keeraithurai Police Station,
Madurai.
(In Crime No.420 of 2018)

... Respondent/Complainant

For Petitioner : Mr.NIRANJAN S.KUMAR, Advocate
For Respondent : Mr.RMS.SETHURAMAN
Additional Public Prosecutor

Prayer: Criminal Original Petition is filed under Section 439 of the Criminal Procedure Code to enlarge the bail to the petitioner in SC No.48 of 2021 pending on the file of the IV Additional Sessions & District Judge, Madurai.

O R D E R

This petition is filed seeking an order to enlarge the petitioner on bail in SC No.48 of 2021 pending on the file of the IV Additional Sessions & District Judge, Madurai.

2.The earlier bail applications came to be dismissed by this court on the ground that the petitioner involved in several cases many of which, three are the offence under section 302 IPC. It is also been observed that even if the trial court has not followed the procedures, that got to be followed before issuing NBW and considering the antecedents of the petitioner, the earlier petitions came to be dismissed.

3.This petition has been filed on the very same ground. But however, the learned counsel appearing for the petitioner would submit that except the petitioner, others have been released on bail and they are regularly attending the court and against most of the persons, warrant has been issued. Because of that, the trial is pending.

4.The learned Additional Public Prosecutor would submit that it is a group rivalry and about 20 murder took place in a gang war. Even if the petitioner is released on bail, his life will be in danger; considering the antecedents of the petitioner, he is not



released on bail and if released, he will again abscond and tamper the trial proceedings.

5.No doubt it is a gang rivalry. But the fact remains that ever-since from the date of arrest, the petitioner is in custody for more than 280 days. The learned counsel appearing for the petitioner would submit that the petitioner is ready to abide any condition that may be imposed by this court and pre-trial detention may not be in the interest of fair justice. But however, I am of the considered view that considering the antecedents of the petitioner, the earlier bail petitions have been dismissed. So that cannot be reconsidered by this court.

6.But however since the trial is pending, the petitioner may approach the trial court for bail. Repeated filing of bail applications before this court may not be proper. Since the trial is pending, this petition is dismissed with a direction to the petitioner to approach the trial court for appropriate remedy, citing duration of custody.

With the above said liberty and direction, this petition is **dismissed**.

sd/-
30/09/2021

/ 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 IV ADDITIONAL SESSIONS & DISTRICT JUDGE, MADURAI.

2.THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

3.THE INSPECTOR OF POLICE,
KEERAITHURAI POLICE STATION, MADURAI.

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

+1 cc to Mr.NIRANJAN S.KUMAR, Advocate SR.No.30938 (F)

ORDER IN

CRL OP(MD) No.14507 of 2021
Date :30/09/2021

SA/VR/SAR.2/11.10.2021/2P/6C

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