



Crl.OP.No.14052 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner, who was arrested and remanded to judicial custody on 07.07.2014 for the offence punishable under Sections 147, 148, 452, 427, 326, 307, 302 r/w 109 of IPC and r/w Section 25(1-B)(a) of Arms Act and Sections 3,4(b),5,6 of Explosive Substances Act, 1908 in SC.No.5 of 2017 pending trial on the file of the Sessions Court for Exclusive Trial of Bomb Blast Cases, Chennai, Poonamallee in Cr.No.136 of 1999 on the file of the respondent police, seeks bail

2. The case of the prosecution is that on 02.10.1999 at about 22.00 hrs, the respondent police received a statement from defacto complainant alleging that on 02.10.1999 at about 20.45 hrs, her husband was killed by five unnamed accused at Sempanoor Village.

3. The learned counsel for the petitioner would submit that during the year 2008, the respondent police completed the investigation and filed a charge sheet before the Judicial Magistrate Court, Karaikudi, Sivagangai District. Ten persons were cited as accused in the charge sheet. He would



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further submit that the petitioner is no way connected with the present case.

However, he has been falsely implicated in this case. He would further submit that though the petitioner involved in five previous cases, in which he was granted bail. Even then, he could not come out from the prison for non execution of sureties. In both the cases, he was convicted and already sentence period had been undergone by the petitioner. Except the present case, no other case is pending. He further submitted that insofar as this case is concerned, already prosecution have examined so many witnesses, in which PW1 who also belongs to the same residence of the petitioner, he deposed that the petitioner did not involve in this crime since he knows very well about his identity. He deposed that five or six unknown persons attacked the deceased. Therefore, there is absolutely no evidence to convict the petitioner and prayed for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor filed counter, which revealed that there are totally 10 accused, in which the petitioner is arrayed as A5. On the investigation found that there was a previous enmity between the accused persons and the deceased with regard to land dispute. A1, A2 and other accused persons trespassed in to deceased shop and attacked with deadly weapons, gun, bomb. Insofar as the petitioner is concerned, he attacked the



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deceased with aruval. Therefore, he sustained injuries and died. The petitioner is a habitual offender and also he is a history sheeter in HS.No.547 of 2015 on the file of the respondent police. Though the petitioner was released on bail in SC.No.116 of 2014 on the file of the Additional District and Sessions Court, Sivagangai and in SC.No.109 of 2019 on the file of the same court, he failed to furnish any sureties so far. In SC.No.401 of 2015 on the file of the XI Additional Sessions Court, Madurai, the trial is pending, in which he was also released on bail. However, he failed to execute any sureties. Insofar as Sessions Case in SC.No.5 of 2014 is concerned, he was convicted and sentenced to undergo seven years rigorous imprisonment. Further, in SC.No.7 of 2017, he was convicted and sentenced to undergo five years rigorous imprisonment. Though sentence imposed by the trial court was undergone by the petitioner, in other three cases, the trial is pending. That apart, so far prosecution already examined 41 witnesses and only three more witnesses have to be examined.

5. Considering the above facts and circumstances of the case and also the gravity of offence committed by the petitioner, this Court is not inclined to grant bail to the petitioner.

6. Accordingly, this criminal original petition is dismissed. However,



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the trial court is directed to complete the trial within a period of three months
from the date of receipt of copy of this order.

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