



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 31/01/2022

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

Crl.OP(MD)No.679 of 2022

Karthick

... Petitioner/Accused No.1

Vs.

State rep. By
The Inspector of Police,
Ambasamudram Police Station,
Tirunelveli District.
(Crime No.402 of 2021)

... Respondent/Complainant

For Petitioner : M/s.S.Sundarapandian, Advocate

For Respondent : M/s.SS.Madhavan
Government Advocate (Crl. side)

PETITION FOR BAIL under Sec.439 of Cr.P.C

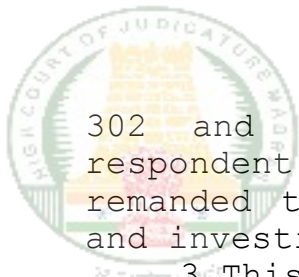
PRAYER :-

For Bail in Crime No.402 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order:-

The petitioner, who is arrayed as A1 was arrested and remanded to judicial custody on 18.09.2021 for the offences punishable under sections 147, 148, 341, 294(b), 302 and 506(ii) IPC, in Crime No.402 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 15.09.2021, due to previous enmity, the petitioner joined with other accused persons made an unlawful assembly and waylaid the deceased and the de-facto complainant, attacked with aruval, knife, sword etc. Because of that, the deceased died on the spot. Based on the complaint given by the de-facto complainant, a case in Crime No.402 of 2021 has been registered for the offences under sections 147, 148, 341, 294(b),



302 and 506(ii)IPC. On the basis of the investigation, the respondent police arrested the petitioner, on 18.09.2021 and remanded to judicial custody and after completing the formalities and investigation, the final report has been filed.

3. This petition came to be filed by the petitioner on the ground that he is in custody ever-since from the date of the arrest and the co-accused has been released on bail.

4. Heard both sides.

5. The entire CD file perused and the order copy of the learned Principal Sessions Judge, Tirunelveli, is also perused. On perusal of the entire CD file shows that in the previous occasion, trouble arose between the petitioner and the de-facto complainant, when the de-facto complainant alleged to have insulted the mother of the petitioner. Over the above said enmity, it appears that this petitioner along with the other accused persons appears to have assaulted the de-facto complainant and caused grievous injury, for which the case has been registered for the offence under sections as stated above. Now the case is also pending trial before the concerned court.

6. During the course of trial proceedings, it appears that this incident said to have taken place. Due to the above previous enmity, on 15/09/2021 at about 10.00 hours when the deceased and the de-facto complainant after receiving the salary, were returning to home through the canal bridge, at that time this petitioner along with the other accused persons alleged to have waylaid the de-facto complainant and caused assault upon the body of the deceased Suresh @ Subeesh and due to it, he died on the spot.

7. Reading of the entire CD file shows that only due to the previous enmity, the 2nd incident had happened and the de facto complainant has been severally assaulted. The manner in which the offence has taken place and the previous motive clearly shows that it is a pre-planned murder. If the petitioner is released on bail, there is every likelihood of danger to the de-facto complainant as well as to the witness persons also.

8. So, this court is not inclined to enlarge the petition on bail and accordingly, this criminal original petition is liable to be dismissed.

9. In fine, this criminal original petition is **dismissed**.

Sd/-
31/01/2022

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.I)
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 INSPECTOR OF POLICE,
AMBASAMUDRAM POLICE STATION,
TIRUNELVELI DISTRICT.
2. THE SUPERINTENDENT,
CENTRAL JAIL, PALAYAMKOTTAI.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.679 of 2022
Date :31/01/2022

SP/JM/SAR I/03/02/2022/3P/4C