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CRL OP(MD). A



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/07/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.11808 of 2022

Uikkattan

... Petitioner/Accused No.3

Vs

The State rep.by,
The Inspector of Police,
Kovilpatti West Police Station,
Thoothukudi District.
Crime No.211 of 2022.

... Respondent/Complainant

Petchiammal

... Petitioner / Intervener
De-facto Complainant
IN CRL MP(MD)No.7648 of 2022

For Petitioner : Mr.VR.Shanmuganathan, Advocate.

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

For Intervenor : Mr.P.Balamurugan, Advocate

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

PRAYER :-To enlarge the Petitioner on bail in connection with the case in PRC.No.18 of 2022 on the file of the Judicial Magistrate II, Kovilpatti in Crime No.211 of 2022 on the file of the respondent.

ORDER : The Court made the following order :-

The petitioner/A.3, who was arrested and remanded to judicial custody on 02.04.2022 for the offences punishable under Sections 302 and 506(2) IPC altered into Sections 120(B), 109, 302 and 506(2) IPC, in Crime No.211 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that a murder case was registered against the defacto complainant's husband in the year 2010 and he was also acquitted from the said case and when the defacto complainant and her husband went for milking on 25.03.2022 at about 03.00 p.m., two unknown persons hacked her husband and done
https://www.mhc.tn.gov.in/decis Hence, the complaint.



3. The learned Counsel for the petitioner would submit that the petitioner has nothing to do with the case on hand, that the petitioner's name does not find place in the F.I.R. and he has been robed with the case for the reasons best known to the prosecution and that the investigation has already been completed and the charge sheet has been filed and the case was taken on file in P.R.C.No.18 of 2022, on the file of the Judicial Magistrate Court No.II, Kovilpatti.

4. The learned Counsel for the intervenor would submit that the petitioner has been added only on the basis of the confession taken from the co-accused, that the intervenor/defacto complainant's husband murder is a retaliation murder, that the petitioner is having several previous cases including three murder cases and that the petitioner would definitely tamper the witnesses and destroy the evidences and also abscond if he is released on bail.

5. The learned Additional Public Prosecutor appearing for the State would submit that the petitioner's son Ayyapillai was murdered on 10.10.2010 by the family of the deceased Mani, that the petitioner and his brother and other family members had allegedly murdered one Vel Thevar, who had helped the said Mani in the murder of the petitioner's son, that thereafter one Petchimuthu, who had helped Mani's family was also allegedly killed by the petitioner and his associates and that thereafter, as per the directions of the petitioner alone, the defacto complainant's husband Mani was murdered.

6. The learned Additional Public Prosecutor appearing for the State would further submit that the petitioner was already involved in two retalian murders and that since the petitioner is the main accused, the prosecution is having serious objections to release the petitioner on bail.

7. No doubt, the charge sheet has already been filed and the same was taken on file in P.R.C.No.18 of 2022, on the file of the Judicial Magistrate Court No.II, Kovilpatti and thereafter, the case was committed to the Sessions Court. It is also not in dispute that the co-accused A.4 to A.7 were already arrested and released on bail by the Principal Sessions Court, Tuticorin.

8. The learned Counsel for the petitioner would submit that the fourth accused who is a similarly placed accused and also the son of the petitioner was already released on bail by the Principal Sessions Court, Tuticorin, vide order dated 01.07.2022. He would further submit that the petitioner who was involved in another murder case in Cr.No.4 of 2011, on the file of the Gangaikondan Police Station was already acquitted by the trial Court and was confirmed by this Court.



9. As rightly contended by the learned Additional Public Prosecutor, the petitioner was allegedly involved in two retaliation murders and the present murder was allegedly committed by the co-accused only on the directions of the present petitioner.

10. Considering the above facts and circumstances and also the gravity and seriousness of the offences alleged and also taking note of the fact that the petitioner was already involved in two retaliation murder cases for the murder of his son and also taking note of his antecedents, this Court is not inclined to grant bail to the petitioner at this point of time.

11. In the result, the Criminal Original Petition is dismissed.

sd/-

05/07/2022

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08/07/2022

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 JUDICIAL MAGISTRATE II, KOVILPATTI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT

3 THE INSPECTOR OF POLICE
KOVILPATTI WEST POLICE STATION,
THOOTHUKUDI DISTRICT.

4 THE OFFICER INCHARGE,
DISTRICT JAIL, PERURANI, THOOTHUKUDI DISTRICT..

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

ORDER

IN

CRL OP(MD) No.11808 of 2022

Date :05/07/2022

SSL

MK/PN/SAR.IV/08.07.2022/3P/6C

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