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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/10/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.12953 of 2022

Vasim Alias Munnah Alias Rafeeq ... Petitioner/Sole Accused

Vs

The State Rep.by
The Inspector of Police,
Kottar Police Station,
Nagercoil,
Kanyakumari District.
Crime No.991/2010.

... Respondent/Complainant

For Petitioner : M/s. Anto Prince.G,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.992 of 2010 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 22.01.2018 for the offence punishable under Section 302 of IPC, in crime No.991 of 2010 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to money dispute, on 09.08.2010, the petitioner said to have murdered the deceased namely, Ali @ Sahith Ali. Hence the complaint.

3.The learned counsel for the petitioner would submit that this is the second bail application. Earlier bail application filed by the petitioner in Crl.OP(MD)no.7523 of 2021 was dismissed by this Court on 25.06.2021. The case was taken cognizance in S.C.No.159 of 2018. On 18.09.2021 the same is pending before the learned Principal District



Judge, Kanniyamumari at Nagercoil. He would further submit that P.W.2 was expired and the other eye-witnesses are also no more. The petitioner is in judicial custody from 22.01.2018, hence he prays for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. side) would submit that earlier petition was dismissed by this Court on the ground that the petitioner is having murder cases. The petitioner is having 5 previous cases. At this stage, if he released on bail, there is every likelihood of absconding. Hence, he strongly opposed to grant bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Crl.Side), this Court is not inclined to grant bail to the petitioner.

6.Accordingly, this Criminal Original Petition is dismissed.

7.However, the learned Principal District Judge, Kanyakumari at Nagercoil, is directed to complete the trial in S.C.No.159 of 2018 and dispose of the case, as expeditiously as possible, preferably, within a period of 3 months from the date of receipt of a copy of this order.

sd/-

13/10/2022

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/11/2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS

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 Principal District Judge,
Kanyakumari at Nagercoil

3. The Superintendent,
Central Prison, Rohini, Delhi.



4. The Inspector of Police,
Kottar Police Station, Nagercoil,
Kanyakumari District. Crime No,991/2010.

5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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Copy to:

The Registrar (Judicial),
Madurai Bench of Madras High Court, Madurai.

+1. CC to M/S. ANTO PRINCE.G Advocate SR.No.49950(F)

ORDER

IN

CRL OP(MD) No.12953 of 2022

Date :13/10/2022

RD/SSS/SAR-I (02/11/2022) 3P 8C