



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 23/08/2022

PRESENT

The Hon'ble Mr.Justice **G.ILANGOVAN**

Crl.OP(MD)No.14470 of 2022

1.Sangili Poothaia @ Sangili Poothathar

2.Guru Sachin

...Petitioners/Accused Nos.5 &6

Vs.

State rep. By
The Inspector of Police,
Thalayuthu Police Station,
Tirunelveli,
(Crime No.227 of 2021)

... Respondent/Complainant

For Petitioner : Mr.K.G.Arunkumar, Advocate

For Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor

PETITION FOR BAIL under Sec.437 of Cr.P.C

PRAYER:-

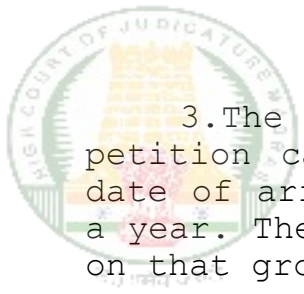
For Bail in Crime No.227 of 2021 on the file of the Respondent Police.

ORDER:- The Court made the following order:-

The petitioners, who are arrayed as A5 and A6 were arrested, on 15/07/2021 and remanded to judicial custody for the alleged offences punishable under sections 147, 148, 302, 120(B), 506(ii), 109, 212, 114, 149 and 34 of IPC, in Crime No.227 of 2021, seek bail.

2.The case of the prosecution is that the de-facto complainant is the father of the deceased. He lodged a complaint stating that on 12/07/2021 at about 12.15 pm, he was informed that his deceased son Kannan sustained grievous injury and lying near Pandarakulam area. He immediately went to the place of occurrence and found that he was lying in the blood with injuries and he was taken to hospital and where, he was declared to be dead. On the basis of the complaint, the case was registered and during the course of investigation, the involvement of the petitioners and other accused persons came to light and all the accused persons were arrested and remanded to

<https://www.mhc.in/judis>



3.The petitioners arrayed as A5 and A6. Seeking bail is petition came to be filed on the ground that ever-since from the date of arrest namely 15/07/2021, they are in custody for more than a year. They have not moved any bail application earlier to that. So on that ground, this petition came to be filed.

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4.Heard both sides.

5.It is a case of retaliation and not only retaliation, it is a case of communal rivalry between two sections of community. These petitioners belong to one community, who are inimical to other community people, who in turn also inimical towards these people.

6.On the previous occasion, one Joseph, who belongs to the other community people stated to have murdered one Muthu Mano, who belongs to the community of these petitioners. As a retaliation, these accused persons along with other persons planned to kill and murder, either one of the associates of the above said Joseph on the eve of the 1st death anniversary of Muthu Mano and plan was made. In pursuance of the above said plan to achieve the goal, all the persons conspired together and killed the above said Kannan, who is the close relative of the above said Joseph. The above said Kannan alleged to have also helped the people to murder some other people, who belongs to the petitioners community people. Towards retaliation, the above said murder has been committed and the specific overact against the petitioners is that they assisted A1 to A4, who were riding the two wheeler as pillion riders, in which the accused persons driven towards to the place of occurrence. So considering the specific overtact, that has been attributed against the petitioners and also considering the fact that it is a case of retaliation, if the petitioners are released on bail, there is every likelihood of absconding. Because, it is brought on record to the effect that A10 was already granted bail and absconded and because of the above absconding, the trial could not be commenced. The de-facto complainant filed a petition before this court in Crl.OP(MD) No.11941 of 2022 seeking direction to the trial court to expedite the trial process and complete the same within a stipulated time. By splitting up the case against A10, that was also ordered by this court, on 05/07/2022 directing the trial court to split up the case against A10 and proceed against the remaining accused, who are appearing and in custody and dispose of the same within a period of six months from the date of receipt of the copy.

7.When there is specific direction to the concerned court to split up the case against A10 and proceed against these petitioners, if they are released on bail, there is likelihood of absconding. Moreover, it is a case of retaliation. If the petitioners are enlarged on bail, their life will also be in danger. So on that ground, the learned Government Advocate (Criminal side) made strong objection to enlarge the petitioners on bail.



8. So as rightly observed and dismissed by the trial court I find no reason to differ from the view taken by the trial court. Accordingly, this criminal original petition is **dismissed**.

sd/-

23/08/2022

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/09/2022

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

TO

- 1 THE INSPECTOR OF POLICE
THALAYUTHU POLICE STATION,
TIRUNELVELI DISTRICT.
- 2 THE SUPERINTENDENT,
CENTRAL PRISON,
VELLORE.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON,
SALEM.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.14470 of 2022

Date :23/08/2022

er

PKP/VRS/SAR-1/13.09.2022/3P/5C