



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Monday, the Twenty Ninth day of August Two Thousand and Twenty Two

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PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

Crl.OP(MD)No.14521 of 2022

1.High Court Raja

2.Esakkipandi

...Petitioners/Accused Nos.3 & 6

Vs.

The State of Tamil Nadu,
rep. By the Inspector of Police,
Kalakad Police Station,
Tirunelveli District.
(Crime No.122 of 2022

... Respondent/Complainant

For Petitioner : Mr.C.K.M.Appaji, Advocate

For Respondent : Mr.P.Kottai Chamy
Government Advocate (Crl.side)

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

PRAYER :-

For Bail in Crime No.122 of 2022 on the file of the Respondent Police.

ORDER:- The Court made the following order:-

The petitioners, who are arrayed as A3 and A6 were arrested and they were remanded to judicial custody on 26/05/2022 and 27/05/2022 respectively for the offences under sections 341, 294(b), 302 and 506(ii) IPC @ 341, 294(b), 302, 506(ii), 120(b), 147, 148 r/w 109 IPC, in Crime No.122 of 2022 on the file of the respondent police, seek bail.

2.The case of the prosecution is that it is a case of murder and as per the final report that has been filed by the prosecution, due to previous enmity between the de-facto complainant and the deceased person and A1 due to Panchayat Election, in which, A1



enmity, A1 arranged the co-accused persons for the purpose of committing murder and in pursuance of the above said conspiracy, on 22/05/2022, at about 7.30 am, when the deceased was near his land, A1 instigated A2, A3, A4 and A5 to commit the murder and in pursuance of the above abetment and instigation, A2, A3, A4 and A5 waylaid the deceased and caused in discriminatory assault with aruval. On seeing the above said occurrence, the wife the deceased who is the de-facto complainant ran away and she was also criminally intimidated. Over the above said occurrence, the case was registered and after completing the formalities of registration and investigation, final report was filed implicating this petitioner for the offences under sections 147, 148, 297, 341, 302 and 506(ii) IPC r/w 149 IPC.

3. Seeking bail, these petitioners who are arrayed as A3 and A6 are before this court.

4. The earlier bail application filed by the petitioners before the Principal Sessions Judge, Tirunelveli came to be dismissed in Crl.MP No.6926 and 6927 of 2022 on the ground that the investigation was not at all completed and if they are released on bail, there is every possibility of tampering the investigating process.

5. Now the learned counsel appearing for the petitioners would submit that absolutely there is no enmity between the petitioners and the above said deceased, there was enmity between A1 and the deceased and these petitioners are only friends of A1 and only on that account, these petitioners have also been implicated on the basis of the confession statement of A1.

6. Reading of the FIR and final report shows that these two petitioners are actively involved in the assault of the deceased with aruval. Because of that multiple injuries that have been sustained and suffered the death has caused. As per the prosecution, these petitioners are hired killers. A1 arranged these petitioners to commit murder. When serious allegation is made and final report has also been filed before the concerned court, if the petitioners are enlarged on bail, there is every likelihood of absconding. It has been brought to the notice of this court that all these petitioners have been clamped with detention order. Later they have been revoked.

7. Now whatever it may be, considering the serious nature of the offence, and also the manner in which the above said murder has been committed, these petitioners are not entitled for bail now. After committal process is over and after the examination of the material witnesses only they get bail.

8. Such hired killers are not entitled for the discretionary relief of bail. It has been brought to the notice of this court that



merit in this petition and accordingly, it is liable to be dismissed.

9. In the result, this criminal original petition is **dismissed**.
sd/-

29/08/2022

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/ TRUE COPY /

/09/2022

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

TO

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

ORDER
IN
CRL OP(MD) No.14521 of 2022
Date :29/08/2022

er
PKP/VR/SAR-2/07.09.2022/3P/4C