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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/09/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.16426 of 2022

Athisayam @ Athisayapandian

... Petitioner/Accused No.12

Vs

State rep.by
The Inspector of Police,
Thalaisyuthu Police Station,
Tirunelveli District.
(Crime No.227 of 2021).

... Respondent/Complainant

For Petitioner : M/s.Anantha Murugan S.M., Advocate.

For Respondent : Mr.RMS.Sethuraman
Additional Public Prosecutor

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

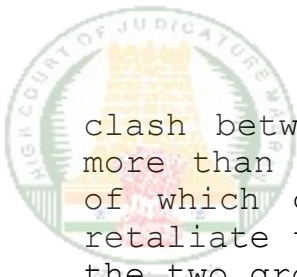
PRAYER :-

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

ORDER : The Court made the following order :-

The petitioner/accused No.12, who was arrested and remanded to judicial custody on 30.07.2022 for the offences punishable under Sections 147, 148, 302, 120B, 506(ii), 109, 212, 114, 149, 34 of IPC, in Crime No.227 of 2021, on the file of the respondent police, seeks bail.

2. It appears that this is the third application for bail. The earlier bail Petitions filed by the petitioner in Crl.OP(MD)Nos.8331 and 10829 of 2022 were dismissed on 15.05.2022 and 24.06.2022, on the ground that the petitioner is having fifteen previous cases, out of which two cases under Section 302 of IPC and it is a communal



clash between two caste people in that area and because of that, more than 15 murders took place because of the communal issue, out of which one murder was occurred within the prison premises, to retaliate the above said murder, continuous trouble has arose between the two groups of people.

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3. On perusal of CD file, it shows that it is clear case of retaliatory murder and absolutely it is a communal clash between two caste people. The co-accused has given a confession statement that while the deceased taking water in the public tap, the petitioner along with the other accused attacked the deceased in various parts of the body with Aruval and murdered him.

4. After hearing the both side submissions and after going through the entire records, this Court passed the elaborate dismissal orders in the earlier applications and this application is filed by the petitioner without referring the change of circumstances to consider the case.

5. Considering the gravity of offence committed by the petitioner and there is no change of circumstance, this Court is not inclined to entertain this Criminal Original Petition and the same is accordingly dismissed.

6. After passing the dismissal order, the learned counsel for the petitioner made a request for expedite trial, since the case is posted for framing of charges and one of the co-accused remained absent continuously, for which, the trial is not yet commenced so far.

7. Considering the request made by the petitioner and also the fact that the petitioner is under judicial custody for more than a year, there shall be a direction to the trial Court, to complete the trial process, within a period of six months from the date of framing of charges.

Sd/-
13/09/2022

/ TRUE COPY /

/09/2022
Sub-Assistant Registrar (C.S.I)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TTA

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,
THALAIYUTHU POLICE STATION,
TIRUNELVELI DISTRICT.
 2. THE SUPERINTENDENT,
CENTRAL JAIL, VELLORE.
 3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP (MD) No.16426 of 2022
Date :13/09/2022

SP/GB/SAR I/23/09/2022/3P/4C