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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 27/10/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.17502 of 2022

1. High Court Raja
2. Esakkipandi

... Petitioners/Accused Nos.3 & 6

Vs

The State rep.by,
The Inspector of Police,
Kalakkadu Police Station,
Tirunelveli District.
Crime No.122 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Ebenezer.T.A.,
Advocate.

For Respondent : Mr.Rms.Sethuraman,
Additional Public Prosecutor

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

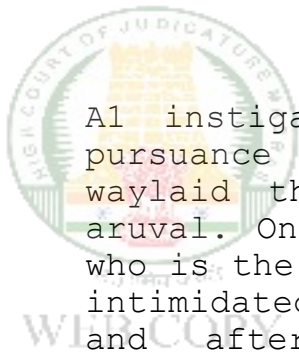
PRAYER :-For Bail in Cr No.122/2022 on the file of the respondent police.

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 was defeated by the above said deceased person, over which the above said enmity, A1 arranged the co-accused persons for the purpose of committing murder and in pursuance of the above said conspiracy, on 26/05/2022, at about 7.30 am, when the deceased was near his land,

<https://www.mca.gov.in>



A1 instigated A2, A3, A4 and A5 to commit the murder 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. Earlier bail application filed by the petitioners was dismissed by this Court in Crl.O.P(MD).No.14521 of 2022 on 29.08.2022, on the ground that these petitioners were hired killers. The first accused, out of the election motive arranged these petitioners to commit murder. Considering the role that has been played by these petitioners, the above application was dismissed and now this is the second application and the same has been filed on the ground that the detention order that was imposed by the detaining authority was set aside and the co-accused namely Ramachandran was granted regular bail by this Court in Crl.O.P(MD). No.16316 of 2022 dated 14.09.2022.

5. The learned Additional Public Prosecutor appearing for the respondent police submitted that the detention order passed against A1 to A3 has not been revoked and only Ramachandran has been granted bail, but other accused are still in custody.

6. The case of the prosecution is that the petitioners along with A5 caused assault with Aruval and murdered the deceased and there is a specific allegation against these petitioners.

7. If the petitioners are released on bail there is a likelihood of absconding, also tampering the evidence and hampering the trial process. So, this is not a fit case to exercise the jurisdiction. It is also brought to the notice of this Court that many previous cases are pending against these petitioners and they are history sheeter. Such is character and antecedents of persons. Accordingly, this Criminal Original Petition is dismissed.

sd/-

27/10/2022

/ TRUE COPY /

/11/2022

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



TO

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

ORDER

IN

CRL OP(MD) No.17502 of 2022

Date :27/10/2022

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MK/GB/SAR.II/01.11.2022/3P/4C