



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 14/11/2022
PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.19666 of 2022

1. High Court Raja

2. Esakkipandi

... Petitioners/Accused Nos.3 & 6

Vs

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

... Respondent/Complainant

Selvi

... Petitioner/Intervener/
De-Facto Complainant
In Crl.MP(MD).13976/2022
in Crl.OP(MD).19666/2022

For Petitioners : M/s.Ebenezer T.A., Advocate
For Respondent : Mr.RMS.Sethuraman,
Additional Public Prosecutor
For Intervener : Mr.B.Aravind Raj, Advocate

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

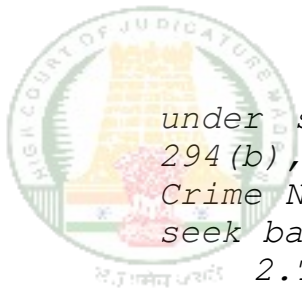
PRAYER :- For Bail in Crime No.122 of 2022 on the file of the Respondent Police

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.When the matter was taken up for hearing on 29.08.2022, this Court passed 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 @ 3 294(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 defeated 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 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 ev¹ 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 against A6 Essaki Pandian several cases are pending. So, I find no merit in this petition and accordingly, it is liable to be dismissed.

9. In the result, this criminal original petition is dismissed."

2. This is the third bail petition filed by the petitioners. The earlier bail petitions were dismissed by this Court, considering the gravity of the offence committed by them and bad antecedents of the petitioners. Seeking bail, the petitioners have preferred this petition.

3. On the side of prosecution, it is stated that committal proceedings has been initiated and the Tamil Nadu Act 14 of 1982 has been invoked against the first petitioner, has been quashed/revoked.

4. In view of the above, though the petitioners are having previous cases, considering the period of incarceration undergone by them and also the fact that committal proceedings has been initiated, this Court is inclined to grant bail to the petitioners with certain conditions.

5. Accordingly, the petitioners are ordered to be released on bail, on executing a personal bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the Judicial Magistrate, Nanguneri, and on further condition that the petitioners shall report before the Committal Court daily at 10.30 a.m. until further orders.

sd/-

14/11/2022

/ TRUE COPY /

15/11/2022

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



TO

1 THE JUDICIAL MAGISTRATE,
NANGUNERI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, TIRUNELVELI.

4 THE INSPECTOR OF POLICE,
KALKKADU POLICE STATION,
TIRUNELVELI DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.EBENEZER T.A. Advocate SR.No.12973

ORDER

IN

CRL OP(MD) No.19666 of 2022

Date :14/11/2022

PNM

SA/VR/SAR.4/15.11.2022/4P/7C