



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 28/11/2022
PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD)No.20991 of 2022

1. Rajesh,

2. Anandan,

... Petitioners/Accused Nos.4 & 5

Vs

The State rep.by
The Inspector of Police,
Uthamapalayam Police Station,
Theni District.
Crime No.147 of 2020.

... Respondent/Complainant

For Petitioners : M/s.Iyyaparaj C,
Advocate

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :- For Bail in Crime No.147 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A4 & A5, who is facing a case for the offence under Sections 147, 148, 149, 302, 120B and 109 of IPC, in S.C.No.120 of 2021 on the file of the learned Additional District and Sessions Judge, Theni, in Crime No.147 of 2020 on the file of the respondent police, seek bail.

2.The case of the prosecution is that originally the petitioners were arrested and released on bail on 27.08.2020. Subsequently, non-bailable warrant was issued against the petitioners on 31.08.2021 and 05.08.2021 respectively and the petitioners were arrested on 27.09.2021 and 26.09.2021. From onwards, they are in judicial custody.

3.The learned counsel appearing for the petitioners would submit that due to some inconvenience, the petitioners could not appear before the trial Court. Therefore, Non-Bailable Warrant was issued against them. Thereafter, they were arrested and remanded in judicial custody on 27.09.2021 and 26.09.2021. Further, the first



accused, who also issued non-bailable warrant, was arrested and thereafter released on bail. Hence, they may be released on bail.

4. The learned Additional Public Prosecutor appearing for the respondent police would submit that it is a case of retaliation murder. Originally, the petitioners were arrested and thereafter, released on bail for the above said case. Due to non-appearance of the petitioners before the trial Court, Non-Bailable Warrant was issued against them and they were secured on 27.09.2021 and 26.09.2021. He would further submit that L.W.1 and L.W.2 have been examined and the case was posted for examination of L.W.3 and L.W.4. At this stage, if the petitioners are released on bail, he would abscond and also it would affect the further progress in the case. Hence, he strongly opposed to grant bail.

5. Considering the nature and gravity of the offence and also considering the conduct and attitude of the petitioners, the stage of the case and the strong objection raised by the prosecution, this Court is not inclined to grant bail to the petitioners.

6. Accordingly, this Criminal Original Petition is dismissed.

sd/-

28/11/2022

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/12/2022

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

TO

- 1 THE ADDITIONAL DISTRICT & SESSIONS JUDGE (FTC),
THENI.
- 2 THE INSPECTOR OF POLICE,
UTHAMAPALAYAM POLICE STATION, THENI DISTRICT.
- 3 THE OFFICER INCHARGE, DISTRICT PRISON, THENI.
- 4 THE OFFICER INCHARGE, DISTRICT PRISON, DINDIGUL.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

CRL OP(MD) No.20991 of 2022
Date : 28/11/2022

CP

<https://www.mca.gov.in/judis>
SA/BOG/SA.3/19.12.2022/2P/6C