



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )  
Date : 09/12/2022

PRESENT

**The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA**  
CRL OP(MD). No.21764 of 2022

WEB COPY

1. Sanjay Kumar
2. Raja
3. Velmurugan

... Petitioners/Accused No.7,11 & 12

Vs

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

... Respondent/Complainant

For Petitioners : M/s.Srikanth.S, Advocate.  
For Respondent : Mr.T. Senthilkumar  
Additional Public Prosecutor  
For Intervenor : Mr.Henri Tiphagne, Advocate

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

PRAYER :-

For Bail in Crime No.147/2020 on the file of the respondent police.

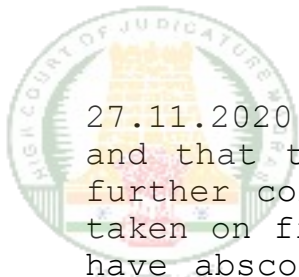
ORDER : The Court made the following order :-

The petitioners, who are arrayed as accused were arrested and remanded to Judicial Custody for the offences punishable under sections 147, 148, 149, 302, 120B, 109 and 34 IPC, in Crime No. 147 of 2020 on the file of the respondent police seek bail.

2.Based on the Non Bailable Warrant issued against the petitioners in S.C.No.120 of 2021 on the file of the Additional District Judge (Fast Track Court), Theni, they were arrested and remanded to judicial custody.

3.The learned counsel appearing for the petitioners submitted that the first petitioner is in custody from 03.03.2021; 2<sup>nd</sup> petitioner is in custody from 18.12.2020 and the third petitioner is in custody from 25.01.2021. He further submitted that charges have been framed in this case and that that petitioners are not able to engage counsel to conduct the case and seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that totally 12 accused involved in this case and the petitioners did not appear before the trial Court on



27.11.2020 and thereby, Non Bailable warrant was issued against them and that they were arrested and remanded to judicial custody. He further contended that the final report was filed and the case was taken on file on 28.08.2020 in PRC.No.36 of 2020. Since the accused have absconded,, the learned Magistrate was not able to commit the case to the Court of sessions and later split up against some accused and the case was committed to Sessions Court during the year 2021 in S.C.No.120 of 2021, even before the Sessions court some of the accused absconded and hence, the case was again split up and re-numbered as S.C.No.12 of 2022 and now, some of the arrested have accused have gone to the Supreme Court and the said petition was also dismissed. He further submitted that earlier one of the co-accused viz., one Jeyaprabu filed a bail petition before this Court in CrI.O.P(MD).No.17702 of 2022 and this Court by order order, dated 12.10.2022 granted bail to him by directing the learned trial Judge to complete the trial within a period of three months from the date of receipt of a copy of the said order. However, the said petitioner had absconded and later, he was arrested under PT warrant and now, all the accused are in custody. He further submitted that the petitioners are hired elements and that they have been repeatedly taking turns in absconding and thereby, there had been delay in conducting the case before the trial Court and thereby, seeks dismissal of this petition.

5.The learned counsel for the intervenor submitted that in this case an advocate was murdered by another advocate and his associates. He further submitted that the accused are notorious elements and they have been taking every endeavour to delay the trial proceedings by hook or crook. He further contended that if the petitioners are granted bail, every possibility of threatening the witnesses and the defacto complainant and thereby, seeks dismissal of this petition.

6.Heard the learned counsel appearing on either side and perused the materials available on record.

7.Taking into consideration of the facts and circumstances and that the petitioners are notorious elements and that they have been repeatedly taking turns and absconding with the oblique motive of delaying the trial, Hence this Court is not inclined to enlarge the petitioner on bail and accordingly, this Criminal Original Petition is dismissed. However, the trial Judge is directed to comply with the earlier order passed by this Court in CrI.O.P(MD).No.17702 of 2022, dated 12.10.2022.

sd/-

09/12/2022

/ TRUE COPY /

/01/2023

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



TO

- 1 THE JUDICIAL MAGISTRATE, UTHAMAPALAYAM, THENI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.
- 3 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE (FTC), THENI.
- 4 THE SUPERINTENDENT, CENTRAL PRISON, COIMBATORE.
- 5 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.
- 6 THE SUPERINTENDENT, CENTRAL PRISON, SALEM.
- 7 THE INSPECTOR OF POLICE, UTHAMAPALAYAM POLICE STATION,  
THENI DISTRICT.
- 8 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE SECTION OFFICER, CRIMINAL SECTION,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.21764 of 2022

Date :09/12/2022

RS/VR/SAR.4(05.01.2023) 3P-10C