



CrI.O.P.No. 3498 of 2023

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T.V.THAMILSELVI, J.

The petitioner, who was arrested and remanded to judicial custody on 23.11.2021 for the alleged offence under Sections 120(b), 147, 148, 449, 302, 149 and 109 of I.P.C. r/w Section 3(9), 4(b) of Explosive Substance Act, 1908 in Crime No.265 of 2010 on the file of the respondent police pending trial in S.C. No.81 of 2022 on the file of learned Principal Sessions Judge, Villupuram, Villupuram Dt., seeks bail.

2. The case of the prosecution is that due to previous enmity of A1's brother, who was already murdered by deceased and their colleagues and in retaliation, the petitioner conspiring with other accused, said to have murdered one Mathicallavan and Karuna by hurling bombs and with knives and also assaulted him with deadly weapons, thereby victim sustained serious injuries and died. Hence, the complaint was registered against the petitioner.



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3. The learned counsel for the petitioner submitted that the present case is of the year of 2010 and he was released on bail on 22.09.2011. Subsequently, the charge sheet was laid in P.R.C. No.15 of 2016 and summons was served on to him and on that, he unable to appear before the trial court, hence, non-bailable warrant was issued against him and a committal proceedings was initiated and his remand was extended till now and the case was posted on 29.11.2022. He would further submit that a person commits an offence and he is arrested and remanded to judicial custody, he obtains bail and produces sureties and is let on bail, the very same accused commits another offence and for that offence, he is arrested and remanded to judicial custody. Hence, he was unable to attend the court in the case he was granted bail and under such circumstances, NBW was issued. He would submit that he is an innocent person and he has not at all committed any offence as alleged by the respondent police and he is no way connected with the said offence. He would submit that there is no role of the petitioner in the alleged offence and he has been falsely implicated as accused in this case. He would further submit that the investigation is



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almost completed and that the petitioner has been suffering incarceration for more than one year from 23.11.2021 and this is the third petition seeking for bail. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (CrI. Side) appearing for respondent would submit that totally, there are 18 previous cases, out of which 10 murder cases pending against him and he is a notorious person. He would submit that earlier, there is a murder was happened, due to that previous enmity, as a retaliation, this murder was happened. He would submit that the case was registered in the year of 2010 and he was released on bail and subsequently, he absconded for the past 1 year and on issuance of PT warrant, now only he was secured. He would submit that the present case is of the year of 2010 and after the said occurrence, he involved in a murder case recently. He would also submit that if he is released on bail, he will tamper the witnesses and hamper the investigation and the investigation is not yet completed. Hence, he vehemently opposed to grant bail to the petitioner.



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5. Considering the facts and circumstances of the case and the submissions made by both counsel and considering the gravity of offence committed by the petitioner and also on seeing the bad antecedents of the petitioner having 18 previous cases, in which ten murder cases pending against him, and also the fact that he is a notorious person and the investigation is still pending and if he is released on bail, he may abscond and there is possibility of tampering the witnesses and hampering the investigation, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

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