



Crl.O.P.Nos. 3609 & 3610 of 2023

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T.V.THAMILSELVI, J.

The petitioners, who were arrested and remanded to judicial custody on 26.11.2022 for the alleged offence under Sections 147, 148, 120(B), 341, 302 of I.P.C. and subsequently altered into Sec.4(a), 5 of IES Act and Sections 147, 148, 120(B), 341, 302 of I.P.C. in Crime No.554 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant is the wife of deceased person and due to election dispute, both the petitioners and defacto complainant having previous enmity. While being so, on 24.11.2022, there was a wordy quarrel between the petitioners along with other accused and the defacto complainant, thereby they attacked her husband, in which, he succumbed to injuries. Hence, she lodged the complaint.



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3. The learned counsel for the petitioners submitted that the defacto complainant and petitioners are relatives and due to political enmity, the alleged occurrence happened, however, the petitioners are not present in the scene of occurrence and they were arrested by the respondent as if they are relatives of main accused. He would submit that there is no specific overtact attributed against the petitioners and they are innocent persons and they have not at all committed any offence as alleged by the respondent police. He would submit that they are the sole bread winners of their family. He would submit that they are nothing to do with the instant case and they will abide by any condition that may be imposed by this court. He would further submit that the investigation is almost completed and that the petitioners have been suffering incarceration from 26.11.2022 and this is the third petition seeking for bail. Hence, he prayed to grant bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that totally, there are 9 accused involved in this



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case and the petitioners are arrayed as A5, A3 and A6 respectively. He would submit that deceased worked during panchayat election against A3's wife, in which, A3 lost election. Hence, due to election dispute, all the accused attacked the deceased with knife, thereby the murder was happened and all the accused are arrested on 26.11.2022. He would submit that A7 is having one previous case, and A3 and A6 are having 5 previous cases, which are the cases registered for the offence under Sec.307 of I.P.C. pending against them and they are notorious persons respectively. He would submit that A8 alone is absconding. He would submit that if they are released on bail, they may abscond and they would tamper the witnesses and hamper the investigation and the investigation is not yet completed. Hence, he vehemently opposed to grant bail to the petitioners.

5. Considering the facts and circumstances of the case and the submissions made by both counsel and also considering gravity of offence committed by the petitioners by colluding with the other accused murdered deceased, since he contested the election, thereby they planned to kill him



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and it is pre-planned murder as per prosecution and A8 is still absconding and considering their bad antecedents that A3 and A6 are having five previous cases and A7 is having one previous cases pending against them and all are notorious persons and if they are released on bail, they may abscond and there is possibility of tampering the witnesses and hampering the investigation, there is no change of circumstances, this Court is not inclined to grant bail to the petitioners. Accordingly, this Criminal Original Petition is dismissed.

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