



Crl.OP.No.16697 of 2023

G.CHANDRASEKHARAN, J.

WEB COPY

This petition is filed to enlarge the petitioner on bail in connection with the case in S.C.No.06 of 2023 on the file of Principal District & Sessions Court at Nagapattinam in Crime No.288 of 2022 on the file of the respondent Police herein.

2.It is the submission of learned counsel for the petitioner that petitioner is falsely implicated as accused in Cr.No.288 of 2022 for the offences under Section 147, 148, 149, 201, 120(B), 109, 307 and 302 I.P.C. Investigation in this case is over and case is now pending in S.C.No.6 of 2023. He is in judicial custody from 29.08.2022. Considering the long incarceration of the petitioner in jail, the learned counsel for the petitioner seeks release of petitioner on bail.

3.In response, the learned Additional Public Prosecutor strongly opposed this petition on the ground that this petitioner is the second accused in this case. A1 and A2 are the owners of the lodge in Vellankani. The defacto-complainant, who is the brother of the deceased is also the owner of



WEB COPY

the lodge. There was a rivalry and enmity in running their business. To murder the deceased, A1 and A2 hired A3 to A19. On 17.08.2022, when the deceased was working in his finance office, at about 9:30 p.m. ten persons entered into the office with deadly weapons like Aruval and attacked defacto-complainant's brother Manogar with Aruval on his head repeatedly, claiming that how dare he was challenging first accused/Appanu. Then they escaped. As a result, Manivel also suffered extensive injuries and succumbed to injuries. There is a specific allegation in the statement of eye witness Manivel that this petitioner had also attacked the deceased Manogar with Aruval.

4.It is the further submission of learned Additional Public Prosecutor that the petitioner is an influential person. Petitioner is history sheeted rowdy in H.S.No.47 of 2023 in Velankanni Police Station, Nagapattinam District, and he has one previous case pending in Cr.No.179 of 2022 for the offences under section 294(b), 326, 506 (ii) and 307 I.P.C. If he is released on bail he may threaten the witnesses and spoil the fair trial. That apart, there is possibility that opposite party will try to eliminate this petitioner. Therefore, the learned Additional Public Prosecutor seeks dismissal of this



petition.

WEB COPY

Crl.OP.No.16697 of 2---



G.CHANDRASEKHARAN, J.

5.Considered the rival submissions and perused the records.

6.It is no doubt that this case is pending in S.C.No.6 of 2023, and that the petitioner is in judicial custody from 29.08.2022. It is strongly opposed by the learned Additional Public Prosecutor to grant bail to the petitioner on the ground that the petitioner may threaten the witnesses and spoil the fair trial. There is also a possibility that the opposite party may try to eliminate him. It is alleged that petitioner had direct role in causing fatal injury to the deceased. He is a history sheeter. Taking all these factors into consideration, this Court is not inclined to grant bail to the petitioner. However, this Court directs the learned Principal District & Sessions Judge, Nagapattinam, to expedite the trial and dispose the case as expeditiously as possible, preferably, within a period of four months from the date of receipt of copy of this order.

7.Accordingly, this Criminal Original Petition is dismissed.



Crl.OP.No.16697 of 2---

10.08.2023

G.CHANDRASEKHARAN, J.

ep

Crl.OP.No.16697 of 2023



WEB COPY



Crl.OP.No.16697 of 2---

10.08.2023