



Crl.O.P.No.23339 of 2023
and Crl.M.P.No.16890 of 2023

C.V.KARTHIKEYAN, J.

The petitioner seeks bail in S.C.No.61 of 2023 on the file of the Principal Sessions Judge, Ariyalur, in Crime No.42 of 2023 originally registered for the offences punishable under Sections 294(b), 324 & 307 of IPC and subsequently altered to 302 of IPC, and the petitioner had been remanded to judicial custody on 12.02.2023.

2. Originally since final report had been filed and even when alteration of the provision had not been given, the petitioner had been given the benefit of grant of bail under Section 167(2) Cr.P.C., by the Judicial Magistrate II, Jayamkondam, by order dated 31.05.2023 in Crl.M.P.No.2088 of 2023. Thereafter, the provisions of law had been altered to Section 302 of IPC. The petitioner had been once again taken into custody. He was also inflicted with an order under Act 14 of 1982 and questioning that, his wife had filed HCP.No.1122 of 2023 before this Court.

3. The Division Bench of this Court had not expressed any



opinion on the nature of the offence but examined the contentions that there was a possibility of the petitioner herein coming out on bail and had stated that cannot be a ground to continuously hold him back in detention.

4. In so far as the present petitioner is concerned, after the provision had been altered to Section 302 of IPC, it is stated that there is direct threat to the defacto complainant, who is a neighbour. There is also an application filed on behalf of the intervenor/defacto complainant and it is stated that the house of the defacto complainant was specifically pointed and thereafter, the offence was committed in the middle of the night.

5. The learned counsel for the petitioner stated that the Court should consider the long period of incarceration of the petitioner herein but however it is also contended on behalf of the respondent that trial in S.C.No.61 of 2023 is ongoing and it is now posted for hearing on 15.11.2023 and 17.11.2023.

6. At this stage, I am not inclined to grant bail to the petitioner.



Accordingly, this Criminal Original Petition stands dismissed. The Principal District Sessions Judge, Ariyalur, is directed to proceed with SC.No.61 of 2023 and impress upon the Investigating Officer to marshal the witnesses and proceed further with the trial and endeavour to complete it at the earliest. Consequently, connected intervening petition is also closed.

17.10.2023

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C.V.KARTHIKEYAN, J.

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