



No.5



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 10/03/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). Nos.4528 and 4529 of 2023

WEB COPY

1. Selvaraj
2. Anthoniraj @ Prabhakaran

... Petitioners/Accused No.1 & 2
in Crl.O.P(MD) No.4528 of 2023

Philip @ Arun Philip Raj

... Petitioner/Accused No.3
in Crl.O.P(MD) No.4529 of 2023

Vs

State Rep.by
The Inspector of Police,
Tirunelveli Taluk Police Station,
Tirunelveli District
(Crime No.56 of 2022).

... Respondent/Complainant
in both petitions

R.Murugaraj

... Intervener/PW1
In CRL MP(MD).4047/2023 IN CRL OP(MD).4528/2023

IN BOTH PETITIONS

For Petitioners : Mr.Kathirvelu, Senior Counsel
for M/s.Prabhu K, Advocate.
For Respondent : Mr.R.M.Anbunithhi,
Additional Public Prosecutor

In CRL MP(MD).4047/2023 IN CRL OP(MD).4528/2023

For Intervenor : Mr.Sivasubramanian, Advocate

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

COMMON PRAYER :-

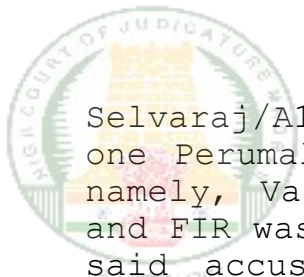
To enlarge the petitioners on bail in the case in S.C No.314 of 2022 on the file of the Learned IV Additional Sessions Judge, Tirunelveli.

COMMON ORDER : The Court made the following order :-

The petitioners/A1 to A3, who were arrested and remanded to judicial custody on 20.04.2022 (A1 & A2) and 14.03.2022(A3) for the offence under Sections 147, 148, 294(b), 506(ii) and 302 IPC, in Crime No.56 of 2022, seek bail.

2.The case of the prosecution is that in the year 2016, Rajan and his wife Leela @ Selva Leela and their sons, namely,

<https://www.mhc.tn.gov.in/judis>



Selvaraj/A1, Prabakaran/A2 and Philip/A3 have attempted to kill one Perumal and in this regard, the de-facto complainant's brother namely, Vaigundam lodged a complaint before the respondent police and FIR was registered in Crime No.78 of 2016. During the trial, the said accused persons threatened the witness/de-facto complainant stated that he should not give evidence in the Court. Further on 03.03.2022, the said Vaigundam gave evidence in chief against the said accused persons. On 10.03.2022, when the said Vaigundam is about to attend the Court for cross examination at about 09.45 hours, all the accused persons murdered him. Hence, the case came to be registered.

3.The learned counsel for the intervenor/defacto complainant vehemently objected to grant bail to the petitioners.

4.Heard both sides and perused the materials available on record, including the First Information Report.

5.The deceased is a habitual offender and he involved in so many murder cases in all over Tamil Nadu. So far as the petitioners are concerned they are arrayed as A1 to A3. After involving in the case for the offences under sections 147, 148, 341, 342, 294(b), 324,307 and 506(ii) of IPC in Crime No.78 of 2016 the occurrence said to have taken place. In fact the relatives of the petitioners were murdered by the deceased. There were facing so many murder cases. Now charge sheet has been filed and the case is pending trial in S.C. No.314 of 2022 and the case stands posted for questioning under section 313 of Cr.P..

6.Further it is seen from the records that the petitioners have not involved in murder case and they threatened the counsel appearing for other cases. Though the prosecution has examined all the witnesses in chief, the petitioners failed to cross examine them. That apart there is also a direction by this Court for speedy disposal of the case, even thereafter the petitioners have not cross examined the witnesses, therefore this Court has rightly dismissed the earlier petitions filed by the petitioners and there is no change in facts and circumstances of the case to consider the present bail petitions

7.Hence the petition stands dismissed.

sd/-

10/03/2023

/ TRUE COPY /

/03/2023

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



TO

1. The IV Additional Sessions Judge, Tirunelveli
2. The Inspector of Police,
Tirunelveli Taluk Police Station,
Tirunelveli District
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
4. The Superintendent, Central Prison,
Palayamkottai, Tirunelveli District.

ORDER IN

CRL OP(MD). Nos.4528 and 4529 of 2023

Date :10/03/2023

RS/BUC/SAR-4(16.03.2023) 3P 5C

No.5



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