



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Date : 24.03.2023
CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

WEB COPY

Crl.O.P. (MD)Nos.12669, 12670 and 12671 of 2022

The State rep.by
The Inspector of Police,
Abiramam Police Station,
Ramanathapuram District.
Crime Nos.53 and 54 of 2006

... Petitioner/Respondent/Complainant
in all petitions

vs.

Sappani @ Murugesan

... Respondent/Petitioner/A1
in Crl.O.P. (MD)Nos.12669 and 12671 of 2022

Moorthy @ Thirumoorthy

... Respondent/Petitioner/A5
in Crl.O.P. (MD)No.12670 of 2022

PRAYER in Crl.O.P. (MD)No.12669 of 2022: This Criminal Original Petition has been filed under Section 439(b) of Cr.P.C., to cancel the bail granted to the respondent/A1 vide order dated 28.06.2022 in Cr.M.P.No.165 of 2022 in S.C.No.27 of 2007 on the file of the learned Additional District Judge, Paramakudi, Ramanathapuram District.

PRAYER in Crl.O.P. (MD)No.12670 of 2022: This Criminal Original Petition has been filed under Section 439(b) of Cr.P.C., to cancel the bail granted to the respondent/A5 vide order dated 17.06.2022 in Cr.M.P.No.132 of 2022 in S.C.No.27 of 2007 on the file of the learned Additional District Judge, Paramakudi, Ramanathapuram District.

PRAYER in Crl.O.P. (MD)No.12671 of 2022: This Criminal Original Petition has been filed under Section 439(b) of Cr.P.C., to cancel the bail granted to the respondent/A1 vide order dated 28.06.2022 in Cr.M.P.No.166 of 2022 in S.C.No.28 of 2007 on the file of the learned Additional District Judge, Paramakudi, Ramanathapuram District.

For Petitioner : Mr.B.Thanga Aravindh
Government Advocate (Crl. Side)
(in all petitions)



For Respondent : Mr.M.JEGADEESH PANDIAN, Advocate
(in Crl.O.P. (MD)Nos.12669 and 12671 of 2022)

For Respondent : Mr.J.VIJAYARAJA, Advocate
(in Crl.O.P. (MD)No.12670 of 2022)

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COMMON ORDER

These Criminal Original Petitions have been filed to cancel the bail granted to the respondents/accused vide orders dated 28.06.2022 and 17.06.2022 in Cr.M.P.Nos.165, 132 and 166 of 2022 in S.C.Nos.27 and 28 of 2007 on the file of the learned Additional District Judge, Paramakudi, Ramanathapuram District.

2.The respondents/accused have been convicted in S.C.Nos.27 and 28 of 2007 on the file of the learned Additional District Judge, Paramakudi, Ramanathapuram District for the offences punishable under Sections 302 and 396 of IPC respectively. Aggrieved over the same, the respondents have filed an appeal before this Court and this Court allowed the appeal and set aside the conviction. Further this Court remand back the matter for fresh trial and given liberty to the respondents/accused to file a petition for bail. They were arrested and remanded to judicial custody immediately, after registration of FIR. Thereafter, they were inside the prison till the criminal appeal is decided by this Court. Considering the above facts and circumstances, the trial Court granted bail to them by an orders dated 28.06.2022 and 17.06.2022. Now the petitioner filed these petitions to cancel the bail granted to them on the ground that the respondents/accused are habitual offenders and they killed one Sub-Inspector of Police and also caused grievous injuries to one more police persons. Therefore, if they let out on bail, they will again indulge in the same type of crime and they will also threatened the witnesses.

3.On perusal of records revealed that there is no complaint lodged by the witnesses who are allegedly threatened by the respondents herein. That apart, the respondents herein regularly appearing before the trial Court on all working days. After modification, they also duly complied with the condition before the trial Court once in a week. Now the trial has been stalled in view of the interim order passed by the Hon'ble Supreme Court of India. That appeal was filed by one of the accused. Therefore, this Court finds no ground to cancel the bail granted to the respondents vide orders dated 28.06.2022 and 17.06.2022 in Cr.M.P.Nos.165, 132 and 166 of 2022 in S.C.Nos.27 and 28 of 2007 on the file of the learned Additional District Judge, Paramakudi, Ramanathapuram District.



4.Hence, these Criminal Original Petitions are dismissed.

sd/-

24/03/2023

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/03/2023

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

SJI

TO

1 THE ADDITIONAL DISTRICT JUDGE,
PARAMAKUDI, RAMANATHAPURAM DISTRICT.

2 THE INSPECTOR OF POLICE,
ABIRAMAM POLICE STATION,
RAMANATHAPURAM DISTRICT.

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.M.JAGADEESH PANDIAN, Advocate SR.No.17448 (F)
Dt.24/03/2023

ORDER

IN

Crl.O.P. (MD) Nos.12669, 12670
and 12671 of 2022

Date :24/03/2023

SA/SSS/SAR.3/11.04.2023/3P/5C