



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 27/06/2023

PRESENT

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

CRL OP(MD). No.11609 of 2023

WEB COPY

1. Thangapandi
2. Petchi Kutty

... Petitioners/Accused Nos.3 & 4

Vs

The State Rep.by
The Inspector of Police,
Seevalaperi Police Station,
Tirunelveli District.
Cr.No.94/2021.

... Respondent/Complainant

For Petitioners : M/s.Mohamed Riyas M,
Advocate.
For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor
For Intervenor : Mr.R.Karunanidhi,
Advocate.

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

PRAYER :-

To enlarge the petitioners/accused on bail in connection with the in S.C.No.528/2021 on the file of II Additional District Judge,Tirunelveli crime No.94/2021 on the file of the respondent police and thus render justice.

ORDER : The Court made the following order :-

The petitioners /A3 and A4 who were arrested and remanded to judicial custody on 31.01.2023 for the offences under sections 147,148,294(b),109, 302, 307,506(ii) of IPC r/w.120(b) of IPC in Crime No.94 of 2021 on the file of the respondent police seek bail.

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

3.It is seen that there are totally 12 accused in this case and the petitioners herein are arrayed as A3 and A4. The petitioners are habitual offenders. The first petitioner is having ten previous cases and the second petitioner is having five previous cases. Both of them involved in five murder cases.

4. The learned counsel for the petitioners would submit that except these petitioners other accused were granted bail by this Court. Now as directed by this Court trial is going on and all the



witnesses were examined in this case except the Investigating Officer. The petitioners have been implicated in the subsequent case only as per section 120(b) of IPC even when they were in custody.

5. Per contra, the learned counsel for the intervenor would submit that the petitioners are habitual offenders and they have committed very serious offence in the alleged crime. It was communal clash between two communities. While pending trial the petitioners conspired with other accused and murdered the co-brother of P.W.2 in this case. After examination of P.W.2 his co-brother was murdered by the petitioners and others. Therefore if they are let on bail no witnesses will depose before the trial Court, hence he seeks dismissal of the petition.

6. The learned Additional Public Prosecutor also endorsed the same. He would further submit that this Court had already directed the trial Court to complete the trial within the stipulated time.

7. Taking into consideration the facts and circumstances of the case and also the previous bad antecedents of the petitioners and also the gravity of the offence, this Court is not inclined to grant anticipatory bail to the petitioners.

8. Hence the petition stands dismissed.

sd/-

27/06/2023

/ TRUE COPY /

/07/2023

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

TO

- 1 THE II ADDITIONAL DISTRICT JUDGE, TIRUNELVELI
- 2 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI, TIRUNELVELI.
- 3 THE INSPECTOR OF POLICE
SEEVALAPERI POLICE STATION,
TIRUNELVELI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.11609 of 2023

Date : 27/06/2023

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