



Crl.OP(MD)No.13269 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 31/07/2023

THE HON'BLE MR JUSTICE G.ILANGO VAN

Crl.OP(MD)No.13269 of 2023

Kesavan

: Petitioner/ Accused No.1

Vs.

State Represented by
The Inspector of Police,
Kurumbur Police Station,
Thoothukudi District.
(In Crime No.98 of 2022)

: Respondent/ Complainant

For Petitioner : Mr.V.Angusamy, Advocate

For Respondent : Mr.B.Nambiselvan
Additional Public Prosecutor

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

PRAYER:-For Bail in Crime No.98 of 2022 on the file of the Respondent Police.

ORDER: The Court made the following order:-

The petitioner/A1, who was arrested and remanded to judicial custody, on



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13/07/2022 for the offence punishable under section 302 IPC @ 120(b), 109, 302 r/w
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34 IPC, in Crime No.98 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that there exists enmity between the de-facto complainant and one Kesavan and Muthuselvam regarding the death of one kumar, who is the younger brother of the deceased Saravanan. Due to that, on 12/07/2022, all the accused persons attacked the deceased with deadly weapons and caused his death. Hence, this case.

3.Heard both sides.

4.Even though the petitioner is in custody ever-since from the date of arrest and Act 14 invoked against him was set aside by this court in HCP(MD)No.1646 of 2022, dated 05/07/2023, the fact remains that this petitioner is involved in two murder cases. He was involved in Crime No.335 of 2019 on the file of the Taluk Police Station, Tiruchendur. In that murder case, one Kumar, who is the brother of the deceased in this matter, was murdered, over which only, the above said FIR in Crime No.335 of 2019 was registered against the accused for the offence under sections 294(b), 343 and 302 IPC. The above said case is under trial. In the above said crime, the deceased



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Saravanan in this matter, was a witness. So, the witness in the above said has been done to death.

5.It is also further seen that because of the enmity between A1 and one Muthu Nadar, who is the father of the deceased Saravanan, a case was registered on the file of the Taluk Police Station, Tiruchendur. When the deceased Saravanan caused assault to A1, who is the petitioner herein. Because of the above said previous enmity, the third occurrence, which is the subject matter of this case occurred. So it is seen that continuous trouble existed between the parties, that is the reason for the dismissal of the earlier applications. Even invoking Act- 14 against this petitioner, having come out on bail in the previous murder case, as a retaliation, this petitioner along with other co-accused committed another murder. Such a person is not entitled for bail at all. There is no guarantee that he will not commit similar offence in future. The life of the witnesses are also put to danger by this petitioner. Considering the above said fact only when the co-accused moved bail application before this court, a direction was issued to the trial court to expedite the trial process and complete the same within a period of three months, by order, dated 26/06/2023 in Crl.OP(MD) No.11467 of 2023.



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6. So, I find no reason to entertain this petition to enlarge the petitioner on bail.

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The petitioner has to cooperate with the completion of trial process as ordered by this court earlier.

7. In the result, this criminal original petition is dismissed.

sd/-
31/07/2023

/ TRUE COPY /

/08/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1. The Officer in charge,
District Prison, Perurani,
Thoothukudi.

2. The Inspector of Police,
Kurumbur Police Station,
Thoothukudi district.



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3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER
IN
CRL OP(MD) No.13269 of 2023
Date :31/07/2023

RK/VR (14/08/2023) 5P / 4C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023