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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/07/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.13381 of 2023

Selvasathish @ Soopi

... Petitioner/ Accused No.2

Vs

The State represented by
The Inspector of Police,
South Police Station,
Thoothukudi District,
Crime No.347 of 2022.

... Respondent/Complainant

For Petitioner : M/s. Selvakumar.S,
Advocate.

For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor

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

PRAYER :-

To release the petitioner/accused on bail in SC.No.239 of 2022 before the learned I Additional District and Sessions Court, Thoothukudi in Crime No.347 of 2022 on the file of the respondent police

ORDER : The Court made the following order :-

<https://www.mhc.tn.gov.in/jsp/> The petitioner/ Accused No.2 herein, who was arrested on 09.05.2022 for the



alleged offence under Sections 147, 148, 302 of IPC @ 120 (B), 147, 148, 302 of IPC, in Crime No.347 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 06.05.2022 at about 3.00 p.m., this petitioner and other accused persons went to the deceased's house and called the deceased to have liquor and did not return back the home. Thereafter, on the next day on 07.05.2022, the defacto complainant came to know that the deceased's body is lying in the occurrence place. Therefore, on suspicion, this complaint has been lodged.

3.The learned Additional Public Prosecutor would submit that after completing the investigation final report was filed before the trial Court on 07.07.2022. After committal process is over, it is pending before the I Additional District and Sessions Judge, Tuticorin in S.C.No.239 of 2023. Earlier, the petitioner approached the trial Court seeking bail, that was dismissed by the order dated 28.06.2023, on the ground that the fourth accused is absconding and warrant is pending against him. Apart from that 21 previous cases are pending against this petitioner. Considering the bad antecedents only the above said application came to be dismissed. Now detention under Act 14 was lapsed because of the expiry of time. Though bail was granted to the accused NO.4 and 5, now accused NO.4 is absconding. Hence, warrant has been issued as stated above.



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4. Considering the bad antecedents of the petitioner, this Court is not inclined to grant bail to the petitioner. The trial Court shall split the case in respect of the absconding accused persons and proceed the trial in respect of other accused persons and complete the same within a period of four months from the date of receipt of a copy of this order.

5. With the above said directions, this criminal original petition stand dismissed.

sd/-

26/07/2023

/ TRUE COPY /

/09/2023

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

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TO

- 1 THE I ADDITIONAL DISTRICT AND
SESSIONS JUDGE, TUTICORIN.
- 2 THE INSPECTOR OF POLICE
SOUTH POLICE STATION,
THOOTHUKUDI DISTRICT,
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



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COPY TO:

THE REGISTRAR(JUDICIAL),
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.13381 of 2023
Date :26/07/2023

SS/VRS/05/09/2023/4P/6C

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