



WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/07/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.13892 of 2023

Kali @ Kalipandi

... Petitioner/Sole Accused

Vs

The State represented by
The Inspector of Police,
Kayathar Police Station,
Thoothukudi District.

... Respondent/Complainant

For Petitioner : M/s. Saravanan.S, 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.404 of 2022 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/ Accused herein, who was arrested on 09.11.2022 for the



2022, on the file of the respondent police, seeks bail.

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2.The case of the prosecution is that in respect of property situated in Vadakku Ilanthaikulam village, there was a dispute between the deceased and the accused persons. In view of said dispute, RDO proceedings also initiated. At that time, the petitioner threatened the deceased to kill him. The same was informed to the defacto complainant by the deceased. When the complaint was given by the deceased, the respondent Police advised them to resolve the issue before the RDO itself. On 07.11.2022 at about 06.00a.m., the deceased went to his grove. Later, it was informed to the defacto complainant that her husband was found murdered. She went to the spot and took the deceased to the hospital. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. The petitioner is not having any motive to commit murder, except the property issue between them. There is no eye witness to the occurrence. On the basis of circumstantial evidence, he has been falsely implicated in this case. The petitioner is in custody from 09.11.2022. Hence, prays to release him on bail.

4.The learned Additional Public Prosecutor submitted that Based on the



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direction, given by this Court in Crl.O.P(MD)No.6183 of 2023, on 03.04.2023 to the trial Court to complete the trial within a period of six months, the trial Court has fixed the trial on 31.07.2023. Considering the gruesome nature of offence, prays to dismiss the petition.

5.In view of the direction given by this Court, the trial has been initiated by the trial Court. At this stage, if bail is granted to the petitioner, either he may abscond or hamper the evidence, which would affect the trial. Hence, this Court is not inclined to entertain this petition at this stage.

6.Accordingly, this Criminal Original Petition stands dismissed.

sd/-
28/07/2023

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

PNM



WTO COPY

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

+1 CC to M/s.S.SARAVANAN, Advocate (SR-11558[I] dated 01/08/2023)

ORDER
IN
CRL OP(MD) No.13892 of 2023
Date :28/07/2023

SS/MR/07/08/2023/4P/5C

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