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

Date : 23/08/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.15180 of 2023

Kali @ Kalipandi

... Petitioner/Sole Accused

Vs

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

... Respondent/Complainant

Muthulakshmi

... Petitioner/Intervenor/Defacto Complainant
in CRL MP(MD)No.12211 of 2023

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

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

For Intervenor : Mr.E.J.Ayyappan, Advocate.

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

PRAYER :-

For Bail in Crime No.404/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

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



alleged offence under Sections 302 IPC @ 302, 341, 294(b) of IPC, in Crime No.404 of 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 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. On 07.11.2022 at about 06.00 a.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.On the ground that the petitioner wants to let defence side evidence, the case is pending before the II Additional District Court, Thoothukudi in S.C.No.86 of 2023.

4.The learned Additional Public Prosecutor would submit that the petitioner is having five previous cases. Among which, one case is similar in nature. Already direction was issued by this court to the trial court to complete the trial process within a period of six months and out of the 23 witnesses 19 witnesses have been examined and five witnesses yet to be examined.

5.The learned counsel for the petitioner would submit that out of the 5



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witnesses 3 witnesses have been dispensed with and only 2 witnesses are going to be examined.

6.The learned counsel for the defacto complainant would submit that earlier bail application that was filed by the petitioner was dismissed on the ground that he may indulge in threatening the witnesses and hamper the trial process. According to him, there is no change of circumstances, even now threat exists. Since the trial is in fugue end, this Court is not inclined to grant bail to the petitioner. I find no reason to differ from the view that has been taken earlier. If the petitioner is released on bail, there is every likelihood to threat to the witnesses or defacto complainant or to commit murder again.

7.Let the trial process be completed within a month from the date of receipt of a copy of this order.

8.Therefore, this criminal original petition stands dismissed with the above said directions.

sd/-
23/08/2023

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/09/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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

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

ORDER
IN
CRL OP(MD) No.15180 of 2023
Date :23/08/2023

SS/VRS/15/09/2023/4P/6C

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