



CRL OP(MD)No.18530 of 2023

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

Date : 16.10.2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD)No.18530 of 2023

Murugan

... Petitioner/ Accused No.3

Vs

The Inspector of Police,
Eral Police Station,
Eral,
Thoothukudi District.
(Crime No.332 of 2017)

... Respondent/Complainant

For Petitioner : Mr.K.Muthurakkan, Advocate

For Respondent : Mr.RMS.Sethuraman,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.332 of 2017 on the file of the Respondent Police.

ORDER : The Court made the following order :-

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



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08.02.2023 for the alleged offence punishable under Sections 147, 148, 149, 294(b), 341, 302, 120(b), 109 and 34 IPC in Crime No.332 of 2017, on the file of the respondent police, seeks bail.

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2.The case of the prosecution is that the defacto complainant is the brother-in-law of the deceased. On 22.10.2017, at about 10.30 pm., the defacto complainant has lastly seen the deceased and at that time, it was informed by the deceased that he was going to irrigate his land. Since he did not return to his house till 12.15 am., the defacto complainant went to the land and found that the deceased died with cut injuries. Hence the case.

3.The learned counsel appearing for the petitioner would contend that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner is in custody from 08.02.2023, hence he seek bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that the occurrence was took place in the year 2017 and after issuing non-bailable warrant only the petitioner was secured on 08.02.2023. Now,



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the case was posted for the appearance of the accused. That apart, the petitioner is having 7 previous cases including Section 307 and 302 IPC cases. After a lapse of five years, the petitioner was secured by issuing non-bailable warrant. Therefore, if bail is granted to the petitioner, he will cause threat to the defacto complainant and witnesses. Hence, he strongly objected to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Considering the nature of allegations levelled as against the petitioner and considering the bad antecedents of the petitioner and taking note of the fact that the petitioner was secured only after five years from the date of occurrence by issuing non-bailable warrant, this Court is not inclined to grant bail to the petitioner. Accordingly, this criminal original petition is dismissed.

sd/-
16/10/2023

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/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS



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TO

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- 1 THE INSPECTOR OF POLICE
ERAL POLICE STATION,
ERAL,
THOOTHUKUDI DISTRICT.
- 2 THE OFFICER INCHARGE,
DISTRICT JAIL, PERURANI, THOOTHUKUDI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN

CRL OP(MD) No.18530 of 2023

Date :16/10/2023

SS/DD/SAR- /17/11/2023/4P/4C

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