



Crl.O.P.No. 26211 of 2024

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T.V.THAMILSELVI, J.

The petitioner, who was arrested and remanded to judicial custody on 12.02.2023 for the alleged offence under Sections 148, 302, 120B, 449, 34, 109 and 201 of I.P.C. in Crime No.81 of 2023 on the file of the respondent police, pending trial in P.R.C.No.131 of 2023 on the file of Judicial Magistrate No.III, Coimbatore, seeks bail.

2. The case of the prosecution is that the deceased Sathiyapandi was said to have involved in anti-social activities including offence of kidnapping for ransom. The petitioner's group also said to have involved in various anti social activities in Coimbatore. Both groups had enmity over their illegal activities. Accordingly, the petitioner along with other accused said to have conspired together and prepared a plan to murder the deceased, thereby, they waited and watched over the period. While so, on 12.02.2023, they said to have seen him near the place of occurrence and chased him and when he entered into a house, the petitioner along with other accused



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entered into the said house and shot him with a gun and also attacked him with knife indiscriminately and committed murder. Hence, the complaint was registered against the petitioner.

3. The learned counsel for the petitioner submitted that this is the second petition seeking for bail. He would submit that he has been falsely implicated in this case as if he along with other accused conspired together and chased the deceased and committed murder with deadly weapons, but, in fact, there is no specific overtact against the petitioner and he is an innocent person and he is no way connected with the offence. He would submit that he has not involved in the alleged commission of murder of deceased and except him, all other co-accused were released on bail. He would further submit that investigation was completed and final report also filed and he is suffering incarceration for more than one year eight months from 21.02.2023. In support of contentions, he relied the ratio laid down by Apex Court in **1980 (1) SCC 93** in the case of ***Hussainara Khatoon and others (III) vs. Home Secretary, State of Bihar, Patna.*** Hence, he prayed to grant bail to the petitioner.



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4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that it is a revenge murder and there are 12 previous cases pending against him, in which one case for the offence under Sec.307 of I.P.C., another case under Sec.302 of I.P.C., and other cases under the Arms Act, NDPS Act and for the offence of robbery were registered against him and he is arrayed as A1. With a previous motive, the petitioner along with other accused entered into a house and shot him with a gun and after the gun shot, they attacked him with knife, thereby he sustained multiple injuries all over the body and died and this petitioner is the main accused. He would submit that co-accused were released on bail. He would submit that if he is released on bail, he will tamper the witnesses and hamper the investigation and the investigation is not yet completed. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the facts and circumstances of the case and the submissions made by both counsel and the learned counsel for petitioner relied the ratio laid down by Apex Court in **1980 (1) SCC 93** in the case of



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Bihar, Patna in support of his contentions, but on seeing the gravity of offence committed by the petitioner, due to previous motive, the petitioner along with other accused conspired together and on the date of occurrence, when he tried escape from there, they have chased him and they entered into a house of deceased, thereby, they shot him with a gun and also with a knife, due to which he sustained grievous injury and and even this petitioner is having 12 criminal cases pending against him in which one case for the offence under Sec.307 of I.P.C., another case under Sec.302 of I.P.C., and other cases under the Arms Act, NDPS Act and for the offence of robbery were registered against him and he has actively participated in the offence, and considering the fact that as it is a revenge murder, which requires detailed investigation and also considering the fact that investigation was completed and the charge sheet was filed in P.R.C.No. 131 of 2023 and the petitioner is also having life threat and so, at this stage, if he is released on bail, he may abscond and there is possibility of tampering the witnesses and hampering the investigation and also the fact that there is no change of circumstances, this Court is not inclined to grant



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bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed. However, the trial court is directed to complete the trial and dispose the case within a period of four months from the date of receipt of copy of this order.

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