



CRL OP(MD) No.1287 of 2024

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

Tuesday, the Thirtieth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.1287 of 2024

ESAKKIRAJA @ SORI

... PETITIONER / ACCUSED No.1

Vs

THE INSPECTOR OF POLICE
THOOTHUKUDI SOUTH POLICE STATION,
THOOTHUKUDI DISTRICT,
CRIME NO.347/2022

... RESPONDENT / COMPLAINANT

For Petitioner : MR.ANAND.R, Advocate

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

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

PRAYER:

FOR BAIL IN CRIME NO.347/2022 ON THE FILE OF THE RESPONDENT
POLICE

ORDER : The Court Made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on
08.05.2022 for the offences punishable under Sections 147, 148 and 302 of IPC @
Sections 147, 148, 302 and 120(B) of IPC, in Crime No.347 of 2022, on the file of the



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respondent police, seeks bail.

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2.The case of the prosecution is that the defacto complainant is none other than the brother of the deceased. The deceased and the accused persons were friends and they were involved in several cases like theft, drugs, attempts to murder and assault. When the deceased tried to relocate and renovate his life, he was threatened by the accused persons. On 06.05.2022 at about 03.00 p.m., when the deceased was at his sister's house, the accused person came all along and take him outside for drinking. Later, the deceased was not come to home till the next day. On 07.05.2022 at about morning hours, the defacto complainant came to know that there was a dead body in the old building called Palaya Karuppatti Kosaity in George Road and the dead body was taken to Government Hospital, immediately, the defacto complainant and his sister and brother-in-law went to the Hospital and identified the deceased as his brother. Hence the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is arrayed as A1 and the deceased and the petitioner were friends and they have been involved in several cases and subsequently, it is alleged that the deceased person decided not to commit any illegal activities, however, the same was not liked by the petitioner and thereby, the petitioner committed a murder. However, the said fact cannot be believed for the simple reason that the petitioner



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could not have had any occasion to murder the deceased and due to previous antecedents, some other persons may commit murder, for which, the petitioner was not responsible and he is in judicial custody for more than a year. He would further submit that A5 was already enlarged on bail by the trial Court and the petitioner is on similar footing. Hence, he prays for grant bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that A2 has already filed an application for bail before this Court in Crl.O.P.(MD)No.13381 of 2023 and this Court by its order dated 26.07.2023 dismissed the bail application and issued a direction to the trial Court to complete the trial within a period of four months from the date of receipt of a copy of that order. He would further submit that the petitioner is arrayed as A1 in this case, if he is released on bail, he would commit a similar offence. Hence, he strongly opposed to grant bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the facts that the second accused's bail application was already dismissed by this Court and that if the petitioner is released on bail, the entire trial will be stalled and that 11 previous cases are pending against the petitioner, this Court is not inclined to grant bail to the petitioner. However, the learned I Additional District and Sessions Judge, Thoothukudi, is directed to complete the trial and dispose of the case within a period of six months from the date of receipt of a copy of this order.



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6. With the above direction, this Criminal Original Petition is dismissed.

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sd/-
30/01/2024

/ TRUE COPY /

/02/2024

Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI
TO

- 1 THE I ADDITIONAL DISTRICT AND
SESSIONS JUDGE, THOOTHUKUDI.
- 2 THE INSPECTOR OF POLICE
THOOTHUKUDI SOUTH POLICE STATION,
THOOTHUKUDI DISTRICT
- 3 THE OFFICER INCHARGE,
PERURANI DISTRICT JAIL, THOOTHUKUDI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN

CRL OP(MD) No.1287 of 2024
Date :30/01/2024

SS/GS/SAR- /05/02/2024/4P/5C

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