



CRL OP(MD). No.1961 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/02/2024

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.1961 of 2024

Kali @ Kalipandi,

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Kayathar Police Station,
Thoothukudi District.
Crime No.404 of 2022..

... Respondent/Complainant

For Petitioner : Mr.S.Saravanan, Advocate.

For Respondent : Mr.R.Suresh Kumar,
Government Advocate (Crl.Side)

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/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 already submitted 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, thereafter, second time also one month time was granted to complete the process of trial.

5. Earlier bail applications that were filed by the petitioner were dismissed on the ground that he may indulge in threatening the witnesses and hamper the trial

process.

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6.This petition has been filed on the ground that the petitioner is in custody for more than 400 days. The learned Government Advocate (Crl. Side) would submit that the arguments before the trial Court was already over. But the petitioner filed a petition to recall one witness on the defence side and the case is now posted for defence side witness. At the length of time, the petitioner is not entitled for bail. He has to wait till the completion of the trial process. I find no reason to entertain this petition.

7.Let the earlier direction issued by this Court shall be complied by the trial Court.

8.Accordingly, this criminal original petition stands dismissed.

sd/-
08/02/2024

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/03/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TM

TO

1 THE II ADDITIONAL DISTRICT AND
SESSIONS JUDGE, THOOTHUKUDI.

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- 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.

ORDER
IN
CRL OP(MD) No.1961 of 2024
Date :08/02/2024

PKP/GS/SAR /04.03.2024/ 4P/5 C

Madurai Bench of Madras High Court is issuing certified
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