



CRL OP(MD). No.8411 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/06/2024

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.8411 of 2024

Kesavan

... Petitioner/ Accused No.1

Vs

The Inspector of Police,
Kurumbur Police Station,
Thoothukudi District.
Crime No.98 of 2022

... Respondent/Complainant

For Petitioner : Mr.KA.Raamakrishnan, Advocate
For Respondent : Mr.R.Suresh Kumar,
Additional Public Prosecutor

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

PRAYER :-

To enlarge the petitioner/ Accused on bail in S.C.No.307 of 2022 before the Learned I Additional District and Sessions Judge, Thoothukudi in Crime No.98/2022 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 13/07/2022 for the offence punishable under section 302 IPC @ 120(b), 109, 302 r/w

34 IPC, in Crime No.98 of 2022 on the file of the respondent police, seeks bail.

<https://www.mhc.tn.gov.in/judis>



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2.The case of the prosecution is that there exists enmity between the de-facto complainant and one Kesavan and Muthuselvam regarding the death of one kumar, who is the younger brother of the deceased Saravanan. Due to that, on 12/07/2022, all the accused persons attacked the deceased with deadly weapons and caused his death. Hence, this case.

3.Heard both sides.

4.The learned counsel for the petitioner submitted that this is the second petition for bail. On 26.06.20203, this Court has issued a direction to the trial Court to complete the trial process within a period of three months and the said period expired in the month of March, 2024. However, the trial Court has not complied with the order passed by this Court and the trial is pending. Hence, prays to release him on bail.

5.The learned Government Advocate (Crl.Side) appearing for the respondent submitted that in this case, so far 32 witnesses have been examined and 10 more witnesses remained to be examined. On considering the nature of offence, this Court has already dismissed the earlier petition. There is no change of circumstances. Hence, prays to dismiss the petition.

6.In the earlier order in Crl.O.P(MD) No.13269 of 2023, this Court has made the following observation:



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“5.It is also further seen that because of the enmity between A1 and one Muthu Nadar, who is the father of the deceased Saravanan, a case was registered on the file of the Taluk Police Station, Tiruchendur. When the deceased Saravanan caused assault to A1, who is the petitioner herein. Because of the above said previous enmity, the third occurrence, which is the subject matter of this case occurred. So it is seen that continuous trouble existed between the parties, that is the reason for the dismissal of the earlier applications. Even invoking Act- 14 against this petitioner, having come out on bail in the previous murder case, as a retaliation, this petitioner along with other co-accused committed another murder. Such a person is not entitled for bail at all. There is no guarantee that he will not commit similar offence in future. The life of the witnesses are also put to danger by this petitioner. Considering the above said fact only when the co-accused moved bail application before this court, a direction was issued to the trial court to expedite the trial process and complete the same within a period of three months, by order, dated 26/06/2023 in CrI.OP(MD) No.11467 of 2023.”

7.On considering the above observation, nature of offence and stage of trial, if the petitioner is enlarged on bail, he may either abscond or tamper the witnesses,



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which would affect the trial. Hence, this Court is not inclined to enlarge the petitioner on bail, though it is a second petition for bail.

8. In the result, this criminal original petition is dismissed. The respondent Police is directed to produce the remaining witnesses and co-operate with the trial. The learned I Additional District & Sessions Judge, Thoothukudi is directed to complete the trial in S.C.No.307 of 2022 within a period of two months from the date of receipt of copy of this order.

sd/-
11/06/2024

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/06/2024

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

PNM
TO

1 THE I ADDITIONAL DISTRICT AND SESSIONS JUDGE, THOOTHUKUDI.

2 THE OFFICER INCHARGE, DISTRICT PRISON, PERURANI,
THOOTHUKUDI DISTRICT.

3 THE INSPECTOR OF POLICE, KURUMBUR POLICE STATION,
THOOTHUKUDI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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ORDER

IN

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Date :11/06/2024

RS/JGB/SAR-(14.06.2024) 5P 5C

Madurai Bench of Madras High Court is issuing
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