



CRL OP(MD). No.21858 of 2024

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

Date : 16/12/2024

PRESENT

The HONOURABLE MR. JUSTICE G.ILANGO VAN
CRL OP(MD). No.21858 of 2024

Kali @ Kalipandi,

... Petitioner/Sole Accused

Vs.

The State of Tamilnadu,
Rep by 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.P.Kottai Chamy,
Government Advocate (Crl.Side)

For Intervenor : Mr.Iyyappan, Advocate

PETITION FOR BAIL Under Sec.483 of BNSS

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 Government Advocate (Crl. Side) 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.



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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.

6. This petition has been filed on the ground that the petitioner is in custody for more than 700 days. The learned Government Advocate (Crl. Side) would submit that the arguments before the trial Court was already over.

7. Pending the petition report was called for from the trial Court as to the reason for the delay in pronouncing judgment. A detailed report has been submitted by the trial Court stating that due to the establishment of new Court, a clarification was sought by him to the Principal District Judge, Thoothukudi District.

8. There shall be a direction to the learned Principal District Judge, Thoothukudi, to issue instructions as sought for by the II Additional District Judge, Thoothukudi, immediately. So that the matter can be taken up by the concerned Court. Pending the matter, at the judgment stage may not be proper. Even though the learned counsel for the petitioner submitted that the petitioner is in custody for more than 700 days, that may not be the reason for granting of bail.



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9. In view of the letter submitted by the trial Court, with the above said directions, this petition stands dismissed.

sd/-
16/12/2024

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/01/2025

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

TM

TO

- 1 THE HIND ADDITIONAL DISTRICT
AND SESSIONS JUDGE, THOOTHUKUDI.
- 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.

COPY TO:
THE PRINCIPAL DISTRICT JUDGE,
THOOTHUKUDI.

+1 CC to M/s.S.SARAVANAN, Advocate (SR-15451[I] dated 16/12/2024)



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ORDER
IN
CRL OP(MD) No.21858 of 2024
Date :16/12/2024

SS/GSV/SAR- /08/01/2025/ 5P/7C

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