



Crl.O.P.No.17604 and 17661 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.07.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.17604 and 17661 of 2025

K.Gunasekaran

.. Petitioner in Crl.O.P.No.17604 of 2025

Koozh @ Sakthivelu

.. Petitioner in Crl.O.P.No. 17661 of 2025

Vs.

State rep. by

The Inspector of Police

Neravy Police Station

Karaikal District

Crime No. 01 of 2017

... Respondent in both Crl.O.P's.

COMMON PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail in PRC.No.09 of 2023 on the file of Judicial Magistrate No.1, Karaikal.

For Petitioner : Mr.C.R.Gokulvisvas

For Respondent : Mr.K.S.Mohandass
Public Prosecutor (Puducherry)



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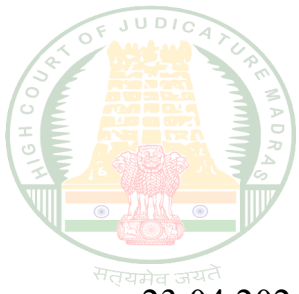
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COMMON ORDER

The petitioners, who were arrested and remanded to judicial custody on 21.04.2025, for the offence punishable under Sections 147, 148, 332, 395, 307, 448, 302, 427, 120(B), 302 of IPC r/w Section 149 of IPC and Section 4 of Explosives Substances Act, 1908 in connection with Crime No. 01 of 2017 registered on the file of the respondent, seeks bail.

2. The case of the prosecution is that the petitioners were alleged to have committed a murder of one VMC Sivakumar, who was the former minister of Karaikal. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He also submitted that the petitioners are in no way connected with the alleged offence, however, they are suffering incarceration from 21.04.2025. It is the contention of the petitioners that both the petitioners were granted bail in Crime No.01 of 2017 and there were co-operating with the investigation. It is their contention that due to health issues, they could not appear before the Trial Court. Hence, the trial Court had issued NBW warrant against the petitioners on



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23.04.2024. He further submits that since some of the accused are absconding, they have been unnecessarily detained in the prison. He also contends that there is no progress in the case. He further submitted that the petitioners are ready to abide by any stringent condition that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioners.

4. Learned Government Advocate (CrI.side) appearing for the respondent police, while opposing for grant of bail to the petitioner, submitted that the petitioners are criminals, who have planned and committed a murder of sitting MLA of Puducherry in a well planned manner. The alleged occurrence taken place 8 years ago and the case is of the year 2017. In this case, investigation has been completed and charge sheet has been filed in the year 2023. The petitioners have been protracting even the committal proceedings. In this case, A15 and A17 are absconding. A17 had filed an anticipatory bail petition and this Court, by order dated 06.02.2025, dismissed the same and granted liberty to him to approach the learned Judicial Magistrate No.I, Karaikal for recall of warrant, however, he failed to comply with the direction hence, the case is still pending at the committal stage.

5. Heard both sides and perused the materials available on record.



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6. Considering the facts and circumstances of the case, nature of allegations, submissions made by the learned counsels on either side, this Court is of the view that the alleged occurrence took place in the year 2017 and the investigation has been completed only in the year 2023. Moreover, in this case, there are totally 17 accused out of which two accused are still absconding and they were delaying the progress of the case even committal proceedings could not be completed. In view of the same, this Court is not inclined to grant bail to the petitioners.

7. Accordingly, the criminal original petition stands dismissed.

02.07.2025

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M.NIRMAL KUMAR, J.

nr

To

1. The Judicial Magistrate No.I, Karaikal.

1. The Inspector of Police
Neravy Police Station
Karaikal District

3. The Superintendent,
Sub Jail. Karaikal

4. The Public Prosecutor,
High Court, Madras.

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