

In the Court of the IV Additional District and Sessions Judge, Madurai

Present : Tmt.N.Nagalakshmi, M.A., B.L.,

IV Additional District and Sessions Judge, Madurai

Saturday, the 6th day of June, 2020.

Cr.M.P.No.307/2020 in Sessions Case No.388/2019

Karthik @ Agori Karthick

S/o Sanmugam.

... Petitioner/accused

/vs/

State,

through the Inspector of Police,

Avaniyapuram Police Station.

in Crime No.251/2019.

... Respondent/Complainant

This application came up before me for hearing on 03.06.2020 through audio conference call in the presence of Thiru.C.Karthikeya, Counsel for the accused and of Thiru.N.Selvam, Additional Public Prosecutor for the State and upon hearing the arguments of both side and upon perusing the case records, this court passed the following

ORDER

Application filed by the petitioner/accused u/s 439 of Cr.P.C. to enlarge the petitioner/accused on bail.

2. Heard both sides. The learned counsel for the petitioner would submit that the petitioner has been charged for the alleged offences u/s 147, 148, 294(b), 302, 307, 506(ii), 34 and 109 of IPC, the petitioner is arrayed as A3 in the case, the petitioner has been remanded to judicial custody on 20.03.2019 and he is in judicial custody for the past 434 days, the petitioner is no way connected with the said offence, investigation in this case had been completed and charge sheet was already filed, this is the first bail application, the order of detention issued against the petitioner under the Tamilnadu Prevention of Dangerous Activities of Bootleggers, Drug offenders, Goondas, Immemorial Traffic Offenders and Slum-grabbers Act, 1982 has been revoked as per order of the Hon'ble Madurai Bench of Madras High Court in HCP(MD) No.1101/2019 dated 27.05.2020, the parents of the petitioner suffers from illness and the petitioner has to take care of them and prayed to enlarge the petitioner on bail with any stringent condition.

3. Per contra, the learned Additional Public Prosecutor has submitted that the petitioner along with 10 accused had involved in grave offence of murder of Mari, hence the present case, the petitioner had involved in 14 other criminal cases which includes 302 of IPC, 379, 302 of IPC, etc. if bail is granted at this circumstances the petitioner will definitely involve in such type of criminal activities and he will tamper the evidences in the main case, moreover he would abscond and hamper the entire trial proceedings and he strongly objected to enlarge the petitioner on bail.

4. Considering the rival submission of either side, this court finds that the order of detention against the petitioner under the Tamilnadu Prevention of Dangerous Activities of Bootleggers, Drug offenders, Goondas, Immemorial Traffic Offenders and Slum-grabbers Act, 1982 has been revoked as per order of the Hon'ble Madurai Bench of Madras High Court in HCP(MD) No.1101/2019 dated 27.05.2020. However, in the present case apart from the petitioner herein, ten more accused had involved. The learned counsel has not produced any proof for granting of bail for the co-accused. This is the first bail application filed by the accused before this court. The learned Additional Public Prosecutor has submitted that one previous case each is pending against the accused before Avaniyapuram P.S. and Palamedu P.S., seven previous case are pending against the accused before Silaiman P.S., five previous case are pending against the accused before Karimedu P.S., totally 14 previous cases are pending against the accused, which includes major offences viz. 302, 379, 307 of IPC, etc. This court feels that if the petitioner is released on bail, he would definitely involve in similar nature of criminal activities. Hence, though the period of incarceration of the petitioner is more than 434 days, considering the bad antecedents of the petitioner as stated above and the above facts and circumstances of the case and the strong objections raised by the learned Additional Public Prosecutor, this court is not inclined to enlarge the petitioner on bail.

In the result, the bail petition is dismissed.

Pronounced by me in open court, this the 6th day of June, 2020.

IV Additional District & Sessions Judge,
Madurai.

Copy to:-
The Inspector of Police, Avaniyapuram Police Station.