

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

Tuesday, the 25th day of August, 2020.

Cr.M.P.No.316/2020 in Sessions Case No.48/2019

R.Kannan,
S/o Rajapandian.

... Petitioner/A1

/vs/

State,
through the Inspector of Police,
B4 Keeraithurai (L & O) Police Station.
in Crime No.420/2018.

... Respondent/Complainant

This bail application is coming up today before me for hearing in the presence of Thiru.H.Manoj Kumar, 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 this is the second bail application, the petitioner has been charged for the alleged offences u/s 147, 148, 120(b), 452, 294(b), 302, 506(2) r/w 34 of IPC, the petitioner has been remanded to judicial custody on 02.03.2020 and he is in judicial custody for the past 165 days, this court has already granted bail to the petitioner, the petitioner could not appear before court for hearings due to severe harassment of police department and threat from rival parties, while so this court issued NBW against the petitioner on 04.01.2020 and the same was executed and the petitioner was arrested and remanded to judicial custody on 02.03.2020, the petitioner has to take care of his

old age mother who depends the petitioner for her food and safety in the present pandemic disease situation, hence considering the long period of incarceration prayed to enlarge the petitioner on bail with any stringent condition.

3. Per contra, the learned Additional Public Prosecutor has submitted that this court has dismissed the earlier bail application of the petitioner as per order in Cr.M.P.No.314/2020 dated 09.07.2020, the petitioner along with co-accused had committed a grave offence of murder of one viz. M.S.Pandi using lethal weapons, hence the present case, the petitioner involved in various criminal offences of murder, attempt to murder, damaging the public properties, robbery, etc., the petitioner has been detained under Goondas Act as per order No.55/2018 of the Hon'ble Madurai Bench of Madras High Court dated 23.10.2018, subsequently he was enlarged on bail by the Hon'ble Madurai Bench of Madras High Court on 21.06.2019, NBW has been issued against the petitioner by this court for his non-appearance and the same was executed by the respondent police, if the present application is allowed the petitioner will definitely tamper the witnesses and abscond which will drag on the entire case proceedings, there are more chances that he will commit murder of politicians since the retaliation exists for the past 17 years, hence he strongly objected to enlarge the petitioner on bail.

4. Considering the rival submission of either side, this court finds that NBW was issued against the petitioner on 30.10.2019 as he had failed to appear before this court and the respondent police executed the same on 02.03.2020 and thereby he is in judicial custody for the past 165 days. It is admitted that this court also issued NBW against the co-accused A3, A5 to A7 and A10, which are yet to be executed and the same are pending. The petitioner herein is A1. This court perused the History sheet of the petitioner (No.4/2018) which shows that the petitioner has been detained thrice under Goondas Act viz. 2015, 2017 and 2018 and that the

petitioner herein had involved in 13 criminal cases which includes three murder cases. Moreover, it is represented by the learned Additional Public Prosecutor that retaliation of murder of politicians for the past 17 years is continuing and it is apprehended that the petitioner may involve in the said criminal activity, if he is enlarged on bail. The main case is posted for framing of charges. That apart, it is the representation of the learned counsel for the petitioner that the petitioner could not appear before court for hearings due to threat from rival parties, which means that there is a life threat for the petitioner. At this juncture, in view of the strong objections raised by the learned Public Prosecutor and the pending of NBW against the co-accused and also considering the above said facts and circumstances and the bad antecedents of the petitioner i.e. involvement of the petitioner in thirteen criminal cases, this court is not inclined to enlarge the petitioner on bail at this stage.

In the result, the bail petition is dismissed.

Pronounced by me in open court, this the 25th day of August, 2020.

Sd/- N.Nagalakshmi,
IV Additional District & Sessions Judge,
Madurai.

Copy to:-

The Inspector of Police, B4 Keeraithurai Police Station.

