

IN THE COURT OF THE PRINCIPAL SESSIONS JUDGE, MADURAI.

PRESENT: THIRU. M.THANDAVAN, B.L.,

(I Additional District & Sessions Judge, Madurai)

PRINCIPAL SESSIONS JUDGE (i/c.) MADURAI.

(AUTHORISED U/S.10(3) OF CR.P.C.)

Friday, this the 24th day of July -2020.

Crl.M.P.No.3425/2020

Muthukumar @ Pattakumar

... Petitioner/Accused.

Vs

State through the Inspector of Police,

Keeraithurai, P.S. Cr.No.412/2019

... Respondent/Complainant.

This petition taken up today for hearing at request through e.mail/ e.petition and after hearing the arguments of Thiru.M.Palanivel, Advocate for the petitioner and of Thiru.M. Tamil Chelvan, the Public Prosecutor for the state over conference call, this court passed the following

Order

1. Bail applications u/s. 439 of Cr.p.c.
2. The offences alleged are U/s. 147, 148, 448, 506(ii) and 302 of IPC.
3. Heard.

4. The case of the petitioner is that the date of occurrence was 18.4.2019, the petitioners were arrested on 2.5.2019 and he is in judicial custody for the past 423 days, the specific overtact on the part of the petitioner is that he transported the other accused in his bike from the occurrence place, investigation is almost over, the petitioner is ready to abide by any condition imposed by this court and prays to grand bail to the petitioner.

5. It is argued on the part of the respondent that the petitioner was detained under Goondas Act and the detention period for the Goondas act has been already completed. Totally there are 12 accused in this case. It is retaliation murder. The case of prosecution is that the occurrence took place on the date of central election in the year 2019, the deceased is an advocate, there was already group clash between the parties, already several murders have taken place from both sides. The role of petitioner is that he has picked up the other accused in a bike from the occurrence place, the said bike was also a stolen property. He raised strong objection in granting bail to the petitioner.

6. A careful perusal of the records and the arguments of both sides indicates that it is retaliation murder. It is argued on the part of the petitioner that the bike seized is belonging to the petitioner himself. But, it is argued on the part of the respondent that the bike is a stolen property as per the recitals in the F.I.R. Further, it is argued on the part of the respondent that if the petitioner is released on bail, it will be danger to the life of the petitioner from the hands of the rival parties. Therefore, considering the strong objection on the side of prosecution, it is held that the petition deserves to be dismissed.

7. In the result, bail petition is dismissed.

Pronounced by me in Camp Court on the 24th day of July -2020.

Sd/-M.Thandavan,

Principal Sessions Judge (i/c.),Madurai.

Copy to

1. The Judicial Magistrate concerned.