

IN THE COURT OF THE III ADDL DISTRICT COURT (PCR), MADURAI

PRESENT: Thiru.M. Thandavan, B.L.,
III Additional District and Sessions Judge (PCR),
(Full Additional Charge)
Madurai.

Friday the 4th day of September 2020

CrI.M.P.No. 464 / 2020

Cr. No. 1052 / 2020

Muthupandi

S/o. Velan

... Petitioner/ Accused No. 9

//vs//

State through Deputy Superintendent of Police,

Mathichiyam Police Station,

Madurai District.

(Cr. No. 1052 / 2020)

... Respondent/complainant.

This petition coming before me today for hearing in the presence of Thiru. K.M. Vivekananthan, Counsel for petitioner and of Thiru. A. Kalyanasundaram , Special Public Prosecutor for respondent and upon perusing the petition, objection, material papers on record and upon hearing the argument of both sides and having stood over for consideration, this court passed the following :

ORDER

This bail application u/s. 439 is received from Advocate Thiru.K.M. Vivekananthan, through e-mail on 31.08.2020.

1. This petition for bail U/s. 439 CrPC. Originally the FIR was registered for the offence U/s. 147, 148, 449, 294(b), 302 IPC and subsequently altered as the sections 147, 148, 449, 294(b) and 302 IPC and U/s 3(2)(v) of SC/ST Act. The case of the petitioner is the 9th accused in the case. It is argued on the part of the petitioner that the petitioner has not committed any offence as stated in the FIR. It is also argued that the 1st accused and his associates alone attacked the victim due to

previous enmity. It is pointed out by the petitioner that the petitioner's name is not finding place in the FIR. It is assured on the part of the petitioner is ready abide by any condition that would be imposed by this court.

2. It is objected on the part of the respondent all the accused joined together and committed the offence due to previous enmity and if the petitioner is released on bail, the petitioner would continue to the commit several severe offence and the petitioner may tamper the witness.

3. The wife of the deceased namely Saraswathi is present in open court and told that she is under the apprehension that the petitioner may endanger to the life and property of the petitioner if the petitioner is released on bail. The said Saraswathi also expressed her apprehension that the petitioner may also murder the family members of the deceased.

4. A careful perusal of records indicates that a murder has taken place wherein the husband of Saraswathi has been killed. The case of the prosecution is certain that the petitioner and other accused committed the murder. The case of the petitioner is that the petitioner has not committed to any offence. It is pointed out on the part of the petitioner that the petitioner is in the custody for more than 80 days. The duration of the custody cannot be a ground for releasing the accused on bail. The gravity of the offence is higher as the offence is one U/s. 302 IPC. Hence the apprehension on the part of the wife of the deceased is reasonable and the version put forth by the respondent that the petitioner would tamper the witnesses if he is released on bail is sustainable. Hence it is held that the petition has got to be dismissed.

5. In the result the petition is hereby dismissed.

Pronounced by me in open court this the 4th day of September 2020.

/Sd/. M. Thandavan
III Additional District & Sessions Judge(PCR)(FAC),
Madurai.