

Crl.O.P.No.2866 of 2015**P.N.PRAKASH, J.**

This is the third bail application and this Court in Crl.O.P.No.30633 of 2014 has dismissed the bail application by a detailed order.

2. The respondent police have filed their counter, in which, in paragraphs 2 and 3 it is stated as follows:

"2. It is submitted that a complaint was preferred by Tmt S.Lakshmi before the respondent police on 14.09.2009, wherein the complainant stated that she is living with her family in Manali Mathur MMDA and also having 2 sisters and 3 brothers, that she had made arrangement for her daughter's marriage on 14.09.2009 and all her family members and relatives attended the said marriage function. That the complainant's brothers viz., Sakthi & Ashok are having pre-enmity with the petitioner herein with regard to the murder case of "Karuppu Raja" and at that time the petitioner was remanded in Palayankottai Prison.

A-1 and A-10 (Jayanthi) is none other than the husband and wife and also close relative of complainant's brother.

Due to pre-enmity, A-10 alone attend the marriage function and made compromise to lead peaceful relationship in future with the complainant and her family members and happily A-10 went off from the function.

Subsequently, the complainant's brother Ashok received a call from A-10 and Ashok informed to the complainant that A-10 called him to meet her as such Ashok and his friend Anand went to meet A-10. Meanwhile at about evening hours the complainant received call from Ashok stated that A10 along with 5 others attacked him brutally with knife near the Vijayanallur Petrol Bunk, Sholavaram Limit and the phone was disconnected.

Further, the complainant stated that she tried so many times to contact Ashok, but, no response and thereafter the said phone was picked by unknown person and informed her to come to Government Stanley Hospital and immediately the complainant along with her relatives rushed to the hospital. The complainant saw that his brother Ashok was kept in the Ambulance and on seeing him, he told that A10 along with others attacked him brutally with knife. Later, after checked by the Doctor, the Doctor declared that the patient Ashok was died. Hence the complainant preferred complaint to take necessary action against A1 to A10.

3. It is submitted that, based on the complaint a case was registered by the then Inspector of Police Tr.D.Dhayalan who is incharge in Sholavaram Police Station, Crime No.776/2009 under Sections 147, 148, 341 and 302 IPC on 14.09.2009 at about 21.00

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hours against Chinna/A-1; Senthil/A-2; MUKesh/A-3, Sathya/A-4; Jyothi/A-5 and Jayanthi/A-6 for the offences committed by them and took up the case for investigation (Ranks of these accused have been assigned differently in the charge sheet)."

3. From paragraph 10 of the counter it is seen that, there are 21 cases against this petitioner, of which several are under Section 307 IPC and one case is under Section 302 IPC. It is also seen that this petitioner was detained under Act 14 several times earlier as a 'Goonda'.

4.Mr.R.Margabandhu, learned counsel for the petitioner submitted that, most of the witnesses have been examined in S.C.No.231 of 2014 and that they had turned hostile. The fact that most of the witnesses are scared even to give evidence against this petitioner is by itself a good reason to deny bail to this petitioner. Hence, there is no change in fact situation. Accordingly, this petition stands dismissed.

30.06.2015

Pre-delivery order in

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