

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.05.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No.7337 of 2020

Mathew

... Petitioner

Vs.

State Rep. By

... Respondent

The Inspector of Police,
Kundrathur Police Station,
Chennai.

(Cr. No.110 of 2020).

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in the above Crime No.110 of 2020 on the file of the respondent police.

For Petitioner : Mr.S.Senthilvel

For Respondent : Mr.M.Mohammed Riyaz,

Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 11.02.2020 for the offences punishable under Sections 147, 148, 341, 302 of IPC r/w Sections 3, 4(b) of Indian Explosive Substance Act and Section 213 of IPC, in Crime No. 110 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant is that, on 02.02.2020 at about 05.30 p.m., the defacto complainant heard a bomb sound. Therefore, the husband of the defacto complainant went outside. At that time, five persons with mask had attacked him with deadly weapons due to which, he sustained severe injuries. Immediately he was taken to hospital, where he was declared as brought dead. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that in fact the deceased is a notorious criminal and he had very bad antecedents and as such he has got enmity with so many rival gangs. One of those rival groups would have murdered the deceased and the petitioner is no way connected with the alleged offence. Even in the complaint, the defacto complainant never stated about the presence of the petitioner. He further submitted that the petitioner is in judicial custody from 11.02.2020 and hence, he seeks bail for the petitioner.

4. The learned Additional Public Prosecutor (Crl. Side) submitted that the petitioner is a notorious criminal in the locality and he was also a leader of the rival gang of the deceased and that he has involved in several murder cases from the year 2017. He further submitted that the investigation is pending and if the petitioner is released, he would again indulge in same kind of crimes. Hence, he vehemently opposed for grant of bail to the petitioner.

5. It is seen that the petitioner is arrayed as one of the accused in this case and admittedly, he has involved in several other cases. Considering the above facts and circumstances of the case and the previous bad antecedents of the petitioner and the fact that the investigation is pending, this court is not inclined to enlarge the petitioner on bail.

6. Accordingly, this petition stands dismissed.

-sd/-

06/05/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE DISTRICT SESSIONS JUDGE,
DISTRICT AND SESSIONS COURT NO. II,
KANCHEEPURAM

2 THE JUDICIAL MUNSIF CUM MAGISTRATE,
SRIPERAMBADUR.

3 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

4 THE INSPECTOR OF POLICE,
KUNDRATHUR POLICE STATION,
CHENNAI.

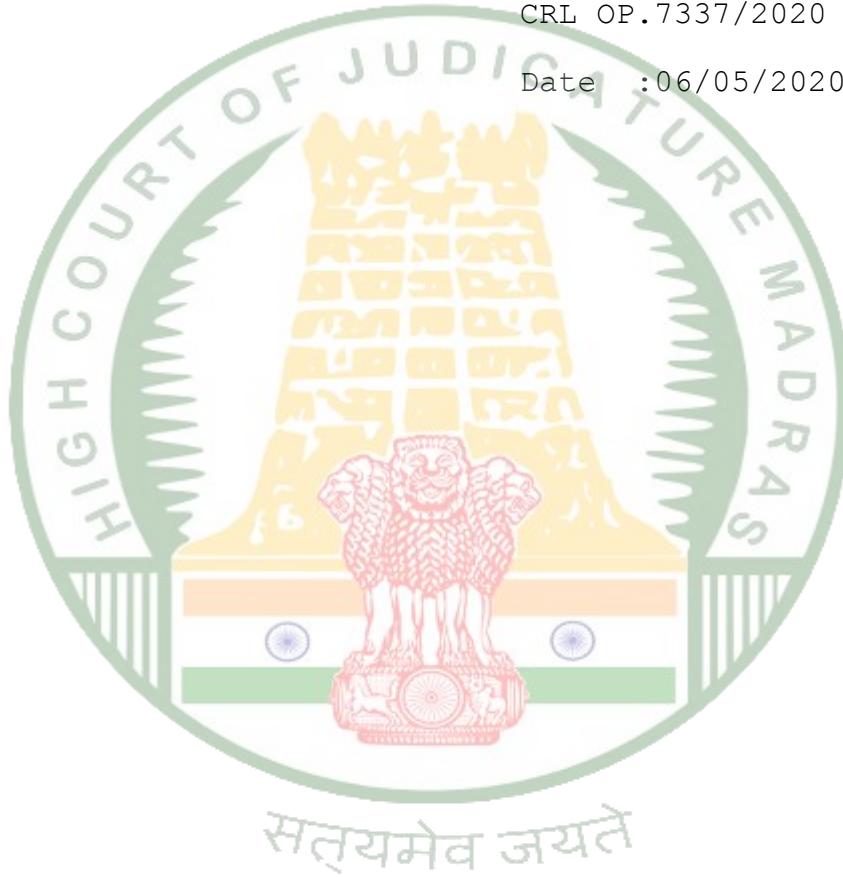
5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI II
CHENNAI.

CC to M/S.S.SENTHILVEL Advocate on payment of necessary charges

CRL OP.7337/2020

Date :06/05/2020

TA-27/07/2020



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