

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.05.2020

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.7745 of 2020

Anthonniraj

... Petitioner

Vs.

State Rep. by

Station House Officer,

Mettupalayam, Police Station, through

The Public Prosecutor, Puducherry.

Cr. No.84 of 2017

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail pending investigation in Crime No.84 of 2017 on the file of the respondent police.

For Petitioner : Mr.B.Balavijayan

For Respondent : Mr.Bharatha Chakravarthy
Public Prosecutor

O R D E R

The petitioner, who was arrested and remanded to judicial custody on 26.10.2017 for the offence punishable under Sections 148, 109, 120B, 144, 114, 343, 302, 307, 326, 324 of I.P.C r/w 149 of IPC and under Sections 3 and 4 of the Explosives Substance Act in Crime No.84 of 2017 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 19.10.2017 at about 00.05 hrs, on receipt of information over phone from the outpost PS at Government Medical College & Hospital, Kathirkammam, the respondent-police went to hospital and received an oral complaint from injured Rangaraj. The injured has stated that when he and his friends were consuming liquor at Dhanalakshmi Steel Industries, Mettupalayam, they were assaulted by a gang of 13 persons with knives, in which, the defacto complainant sustained grievous injuries and three of

his friends were died on the spot. Based on the complaint, the respondent-police have registered the case. Hence, this complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is not involved in the above alleged offence and he is no way connected with the offence as alleged by the prosecution and he did not commit any offence. The learned counsel further submitted that the petitioner is arrayed as A3 in S.C.No.18 of 2019 and there are totally 13 accused in this case. Out of 98 witnesses, 79 witnesses were examined and only 18 official witnesses are yet to be examined. Due to COVID-19 lockdown, the trial is not in progress and the petitioner is confined in prison. Further he submits that the petitioner is in judicial custody from 26.10.2017 and hence, he seeks bail for the petitioner.

4. The learned Public Prosecutor would submit that the it is a murder case by a gang of 13 persons. All the accused in this case are rowdy elements. Totally five persons were attacked by the accused, out of which, three persons were murdered and two persons eriously injured and later survived. In this case, there are totally 13 accused, out of which, A1, A3, A5 and A8 alone are available and A2, A4, A6, A7, A9 to A13 are absconding and the case has been split up as P.R.C.No.20 of 2019. Further, the petitioner is confinement from 19.12.2017. Therefore, the lockdown of the Court is no way affected the petitioner in any manner. The learned Counsel further submitted that when the Court commences functioning, the case would be completed within a short time. Hence, he vehemently opposed for grant of bail to the petitioner.

5. Considering the facts and circumstances of the case and also the fact that the petitioner had committed serious offence, this Court is not inclined to grant bail to the petitioner.

6. Accordingly, the Criminal Original Petition is dismissed.

-sd/-
21/05/2020

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

TRUE COPY

TO

1 THE SESSIONS JUDGE,
PUDUCHERRY, (DISMISSAL ORDER COURT)

2 THE II ADDITIONAL SESSIONS JUDGE,
PONDICHERRY (SATISFACTION COURT)

3 THE PUBLIC PROSECUTOR
PUDUCHERRY

4 THE STATION HOUSE OFFICER, METTUPALAYAM
POLICE STATION THROUGH THE PUBLIC PROSECUTOR,
PUDUCHERRY

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUDUCHERRY

CC to B.BALAVIJAYAN Advocate on payment of necessary
charges

CRL OP.7745/2020

Date :21/05/2020

GKS (RVR) :17/08/2020



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