

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.06.2020

CORAM

THE HONOURABLE MR.JUSTICE. M. NIRMAL KUMAR

Crl. O.P. Nos.8114 and 8115 of 2020

Mathew

... Petitioner in both O.Ps

Vs.

The State Rep. by,
The Inspector of Police,
Kundrathur Police Station,
Kancheepuram District.
(Crime Nos.110 and 117/2020)

... Respondent in both O.Ps

Common Prayer: Criminal Original Petitions filed under Section 439 Cr.P.C, to enlarge the petitioner on bail in Crime Nos.110 and 117 of 2020 pending on the file of the respondent police.

For Petitioner in both petitions: Mr. S. Senthilvel

For Respondent in both petitions: Mr. Iyyappa Raj,
Additional Public Prosecutor

COMMON ORDER

In Crl.O.P.No.8114 of 2020, the petitioner was arrested and remanded to judicial custody on 17.02.2020 for the alleged offences punishable under Sections 147, 148, 341, 302 of IPC read with Section 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.

In Crl.O.P.No.8115 of 2020, the petitioner was arrested and remanded to judicial custody on on 17.02.2020 for the alleged offences punishable under Sections 341,294(b),336, 427, 397 & 506(2) of IPC in Crime No.117 of 2020, on the file of the respondent police, seeks bail.

2. The case of the prosecution in crime No.110/2020 is that on 02.02.2020 at about 8.30 hrs. the respondent police had received a complaint from one Dhanabakiyam stating that she had got second marriage with one Murugan and he had many criminal cases pending against him. Due to this, many rival parties were searching for him. Therefore, she had shifted her house to Chennai. Thereafter, some persons threatened her husband over cell phone out of which, the petitioner is one of the person. On the date of occurrence at about 5.30 p.m., she heard bomb sound. Therefore, she went outside. At that time, 5 unknown persons with mask and attacked her husband with deadly weapon due to which, he sustained grievous injuries. Immediately he was taken to hospital where he was declared as brought dead. Hence a case has been registered.

3. The case of the prosecution in Crime No.117/2020 is that on 06.02.2020 at about 9.00 hrs. the respondent police had received a complaint from one Prabakaran stating that he was proceeding to Thirumudivakam. At that time 5 unknown persons waylaid him and robbed Rs.5,000/- and his Cell phone at knife point. Hence the complaint.

4. The learned counsel for the petitioner would submit that the petitioner has been falsely implicated in these cases. Infact the petitioner had surrendered before the respondent police in connection with Crime No.713/2019 and based on the confession of the co-accused, he has been falsely implicated as an accused in these cases. He further submitted that in order to detain the petitioner under Act 14 of 1982 under the head of Goondas, one after another cases are foisted against the petitioner. Hence, he prays for grant of bail to the petitioner.

5. The learned Additional Public Prosecutor submitted that there are 10 previous cases as against the petitioner out of which, 4 cases under Section 307 IPC and 5 cases under Section 302 IPC and one Heard case and that the petitioner is a habitual offender. In this case, A1 to A3 have been detained under Goondas Act/Act 14 of 1982. A4 and A5 are Juvenile and A6 is absconding, A7 is yet to be secured. The petitioner and others are acting as hirelings and during investigation, he came to know that the petitioner being surrendered in this case are fake and the petitioner is acting with a well organised gang. If the accused let out on bail there is a possibility for absconding. Hence, he vehemently opposed for the grant of bail to the petitioner.

6. Considering the submissions on either side and the nature of offence against the petitioner and that the petitioner has been involving in serious offences. Further, he has been engaging to deflect the investigation which shows that the petitioner is a part of the well organised gang. Hence this Court is not inclined to grant bail to the petitioner.

7. Accordingly, these Criminal Original Petitions stand dismissed.

-sd/-

16/06/2020

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 JUDICIAL MUNSIF CUM
MAGISTRATE, SRIPERAMBADUR

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE,
KUNDRATHUR POLICE STATION,
KANCHEEPURAM DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI-II,
CHENNAI

CC to S.SENTHILVEL Advocate on payment of necessary charges

Cr1. O.P. Nos.8114 and 8115 of 2020

Date :16/06/2020

RVR 05/10/2020

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