

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.06.2020

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.8302 of 2020

B.Thavitha Raja

.. Petitioner

Vs.

State By

The Inspector of Police,
Pallikaranai Police Station
Chennai.

Crime No.517 of 2020

...Respondent

Prayer: Criminal Original Petition filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in the case pending investigation in Crime No.517 of 2020 on the file of the respondent police.

For Petitioner : Mr. R.Thamarai Selvan

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

O R D E R

The petitioner, who was arrested and remanded to judicial custody on 25.04.2020 for the offences under Sections 147, 148, 302, 307 IPC in Crime No.517 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the de-facto complainant the deceased Giri were close friends and the deceased has two younger brothers namely, Sriram and Lakshmanan, one brother is studying in Asa Memorial College and another brother is studying in Mohamed Sathak College, Two months prior to the occurrence, the deceased Giri asked Janakiraman why he has called his brother and Giri has assaulted the said Janakiraman. Thereafter, on 21.04.2020 at about 12.00 p.m, Lakshmanan has assaulted a small boy Sidarth in his street, knowing this, Janakiraman has questioned Lakshmanan. At that time, the de-facto complainant and the deceased Giri went to the spot and pacified the issue and thereafter, the said Janakiraman has threatened the de-facto complainant and others and left the spot. On the same day, on 21.04.2020 at about 7.00 p.m when the de-facto complainant and the deceased Giri were sitting in the small wall in Kalaingar Nagar 9th street and while playing fire game in mobile phone, at about 7.30 p.m Janakiraman @ Janaki, Mani Viji and others came in three motor bikes and the 1st accused Janaki said to the other accused to assault the deceased Giri and other accused have

assaulted Giri with knife on his head, stomach and hip and also assaulted the de-facto complainant with knife. Thereafter, the de-facto complainant has taken the deceased to the nearest V Care Hospital and the Doctors informed that the victim Giri was died on the way to the hospital and hence, the complaint.

3. The learned Counsel for appearing for the petitioner would submit that the petitioner's name does not find place in the FIR and he has been arrayed in this case only based on the confession given by the co-accused. The petitioner had gone to the scene of occurrence and he had only separated the fight between the groups. He further submitted that the petitioner is in judicial custody from 25.04.2020 and hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that there are totally nine accused involved in this case and the petitioner is added as A8. He further submitted that the occurrence had taken place on 21.04.2020 and there was some dispute between the de-facto complainant and the brother of A1 at 7.30 p.m in a public place. All the accused armed with Aruval and surrounded the deceased as well as the de-facto complainant and assaulted them and thereafter, the deceased succumbed to the injuries and the de-facto complainant was admitted in the hospital with grievous injuries and thereafter, he was discharged. He further submitted that investigation is in progress and that this petitioner along with other accused armed with Aruval and committed brutal murder in the public place. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the nature of the offence and that the investigation is in progress, this Court is not inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition is dismissed.

-sd/-

09/06/2020

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 PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

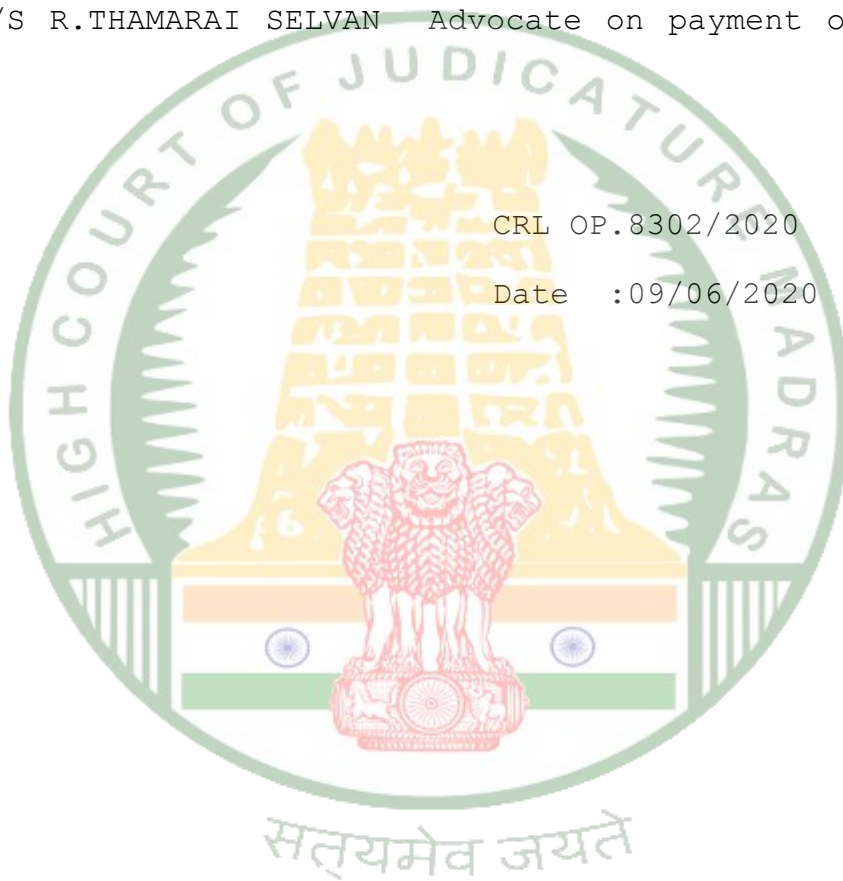
2 THE INSPECTOR OF POLICE,
PALLIKARANAI POLICE STATION,
CHENNAI.

CC to M/S R.THAMARAI SELVAN Advocate on payment of necessary
charges

CRL OP.8302/2020

Date :09/06/2020

RVR 17/09/2020



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