

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2020

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THE HONOURABLE MR. JUSTICE **M.NIRMAL KUMAR**

Crl.O.P.No. 8531 of 2020

Anand @ Ganesh @ Kannukutty Ganesh ... Petitioner/A8

Vs.

State:

The Station House Officer,
Mettupalayam Police Station,
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 S.C.No.18 of 2019 in Crime No.84 of 2017 on the file of the respondent police.

For Petitioner : Mr.S.E.Soundarrajan

For Respondent : Mr.V.Balamurugan

Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 22.05.2018 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 A8 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 22.05.2018 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 seriously 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 22.05.2018. 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.

M.NIRMAL KUMAR, J.

gbi

6. Accordingly, the Criminal Original Petition is dismissed.

11.06.2020

Index : Yes/No

Internet : Yes/No

Speaking order/Non-speaking order

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To

1. The Principal Sessions Judge,
Puducherry. (Dismissal order Court)
2. The II Additional Sessions Judge,
Pondicherry. (Satisfaction Court)
3. The Station House Officer,
Mettupalayam, Police Station through
The Public Prosecutor, Puducherry.
4. The Public Prosecutor,
Puducherry.
5. The Superintendent,
Central Prison, Pondicherry.

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