

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No.10006 of 2020

Bharathraj

... Petitioner

Vs.

The State represented by ... Respondent
The Inspector of Police,
Thooskanampakkam Police Station,
Cuddalore Main Road,
Thooskanampakkam,
Cuddalore - 607 402.
Crime No.34 of 2020.

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioner on bail in the event of his arrest
in Crime No. 34 of 2020, on the file of the Respondent Police.

For Petitioner : Mr.N.U.Pressanna

For Respondent : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 294(b), 323, 324 and 506(ii) of I.P.C. which has subsequently been altered into Sections 147, 148, 294(b) 323, 324, 506(ii) and 302 of I.P.C to in Crime.No. 34 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 14.04.2020, when the defacto complainant along with his brother were standing near Bangaru Reddiyar Colony, Thooskanampakkam, the accused persons named in FIR came over there and scolded them with filthy language and they also physically attacked them with wooden log and caused injuries to the defacto complainant and his brother. Therefore, the brother of the defacto complainant sustained very grievous injuries on his head and also all over the body. Thereafter, he was admitted in the Cuddalore Government Hospital and latter died on 17.04.2020. The defacto complainant also sustained injuries. Hence, the complaint.

3. The learned counsel for the petitioner would submit that though the petitioners name is found in F.I.R and ranked as A10 he has no specific overt act. Even according to the case of the prosecution the petitioner along with other accused person went to the accused house and he has nothing to do with the occurrence. He further submitted that only due to previous enmity the present complaint has been foisted against the petitioner. Due to previous motive with regard to local body election false complaint has been foisted as against the petitioner. Therefore, he sought for anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that it is a case of 302 IPC. There are totally 10 accused in which the petitioner is also named accused and he arrayed as A10. There is specific overt act as against the petitioner. The petitioner also along with other accused persons attacked the deceased and also the defacto complainant with wooden log. Therefore, the deceased and the defacto complainant sustained grievous injuries in which the brother of the defacto complainant died in hospital on 17.04.2020. Hence, he vehemently opposed grant anticipatory bail to the petitioner.

5. It is seen that there are totally ten accused and it is a case of murder. The petitioner is ranked as 10th accused in the F.I.R. The petitioner along with other accused persons have gone to place of the defacto complainant and his brother thereafter they attacked the defacto complainant and his brother with wooden log. The petitioner is also having specific overt act, attacked the deceased as well as the defacto complainant. Thereby, the defacto complainant and the deceased sustained grievous injuries on the head. Immediately they were taken to hospital and on 17.04.2020 the brother of the defacto complainant died due to the injuries sustained by him on head. Further, it is the case of 302 IPC and as such this court is not inclined to grant anticipatory bail to the petitioner when there is a specific overt act as against the petitioner. Hence, the petition stands dismissed.

-sd/-

03/07/2020

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

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

TO

1 THE INSPECTOR OF POLICE,
THOOKANAMPAKKAM POLICE STATION,
CUDDALORE MAIN ROAD, THOOKANAMPAKKAM,
CUDDALORE-607402.

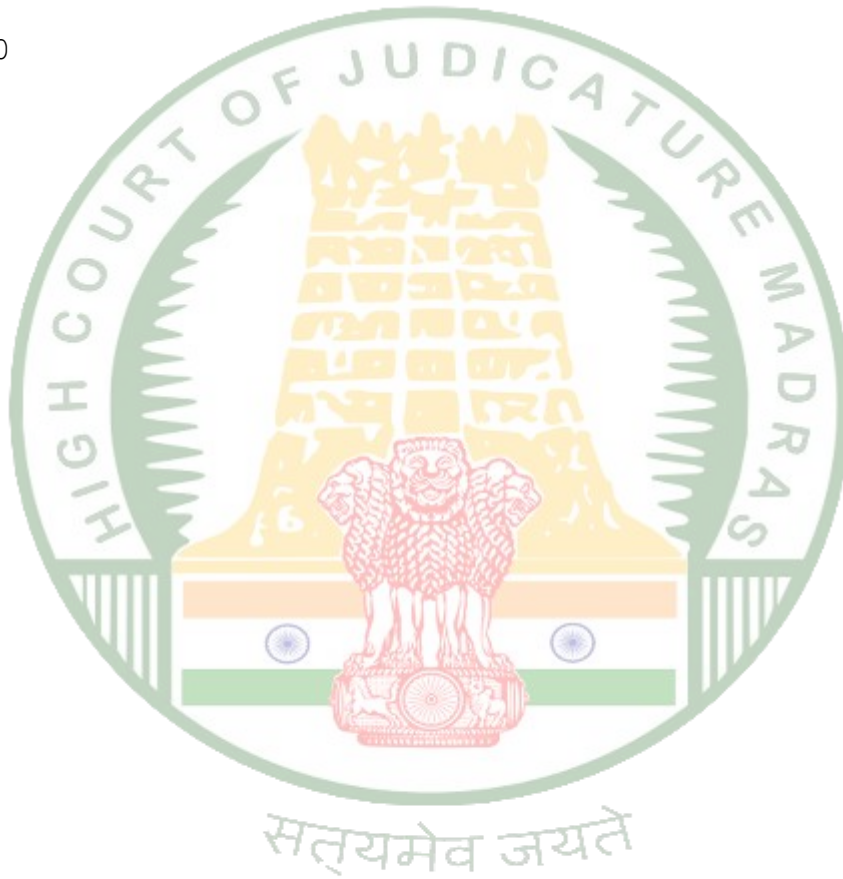
2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. N.U.PRESSANNA Advocate on payment of necessary
charges

CRL OP.10006/2020

Date :03/07/2020

TA-28/07/2020



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