

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.09.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.13778 of 2020

Vijay

... Petitioner

Vs.

The State Rep. By
The Inspector of Police
Tiruppur Central Police Station,
Tiruppur City.
(In Crime No.299 / 2019)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.299 of 2019 on the file of the respondent police.

For Petitioner : Mr.S.Mohamed Ansar

For Respondent : Mr.Shunmugarajeswaran
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 23.09.2019 for the offence punishable under **Sections 141, 147, 148, 294(b), 506(ii), 302, 307 of IPC, in Crime No.299 of 2019**, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant Pradhap is that on 14.07.2019, the defacto complainant along with his friends were consuming liquor in a liquor shop. At that time, the accused had assaulted a North Indian. When it was questioned by the defacto complainant and his friends, the accused and his friends attempted on the life of the defacto complainant, Murugan, Vignesh, Ezhumalai and Parthiban due to which, the defacto complainant and his friends sustained injuries and the were taken to hospital wherein one Arul, the friend of the defacto complainant died since his intestine came out due to the stab injury. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He would submit that even as per the prosecution, the occurrence had happened in a liquor shop during a fight between two groups and there is no pre-meditation or intention to commit the murder of the deceased. Hence, he prays for grant of bail to the petitioner.

4.The learned Government Advocate (Criminal Side) would submit that on 14.07.2019 while the defacto complainant and his friends were consuming liquor, the accused had assaulted a north Indian. When it was questioned by the defacto complainant and his friends, the petitioner along with his friends brutally assaulted them due to which, three persons sustained injuries and one person namely Arul, the friend of the defacto complainant sustained stab injury in the stomach and thereby, the entire intestine came out and he succumbed to injury. He would further submit that the investigation has been completed and the case is pending committal in P.R.C.No.67 of 2019 before the Judicial Magistrate-II, Tiruppur and if the petitioner is granted bail at this stage, there is every possibility that the petitioner may abscond and thereby, the committal proceedings will be delayed. He would further submit that the petitioner is a notorious person and that he has been convicted in three cases and eleven other cases are pending trial. Hence, the vehemently opposed for grant of bail to the petitioner.

5.Taking into consideration that the petitioner is a notorious person against whom eleven other cases are pending trial and that he has been convicted in three other cases and the present case is pending committal in P.R.C.No.67 of 2019, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition stands dismissed for the present.

-sd/-

14/09/2020

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 SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

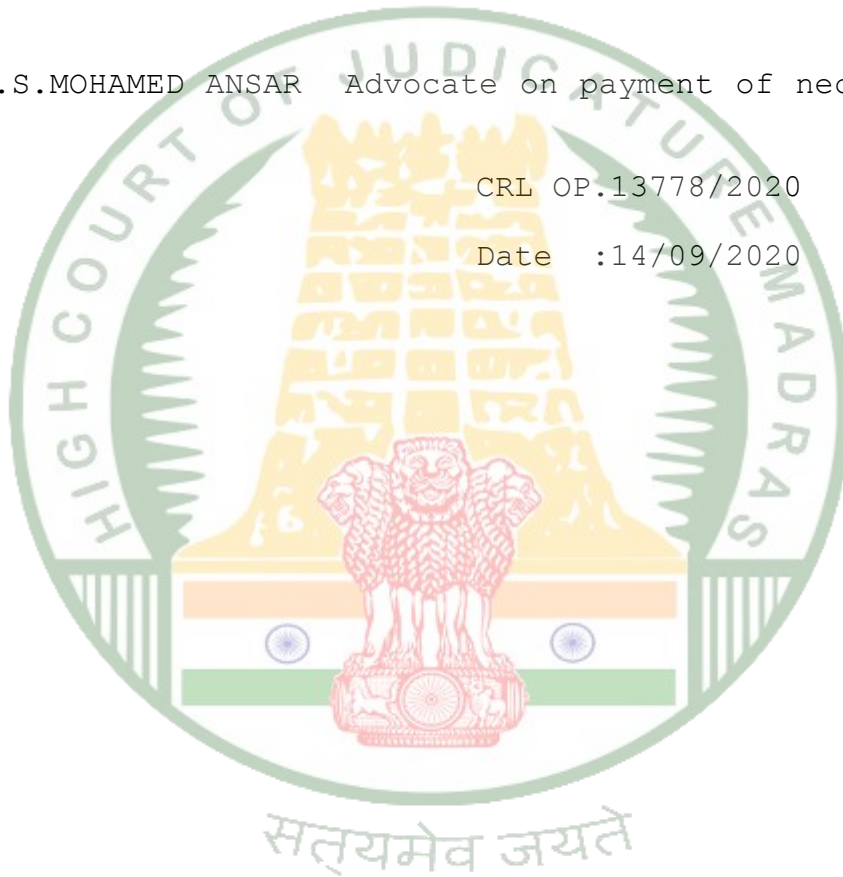
3 THE INSPECTOR OF POLICE,
TIRUPPUR CENTRAL POLICE STATION,
TIRUPPUR CITY.

CC to M/S.S.MOHAMED ANSAR Advocate on payment of necessary
charges

CRL OP.13778/2020

Date :14/09/2020

MK:28/09/2020



WEB COPY