

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.10.2020

CORAM :

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

Crl.O.P.No.15609 of 2020

Kathir @ Kathiravan

.... Petitioner

-Vs-

State rep by
The Inspector of Police
V-1, Villivakkam Police Station
Chennai.
(Crime No.688 of 2020)

.... Respondent

Prayer: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code, to enlarge the petitioner on bail in Crime No.688 of 2020 on the file of the respondent police.

For Petitioner : Mr.S.N.Arunkumar

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

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 31.07.2020 for the offences punishable under Section **302 IPC @ 147, 148, 120(b) and 302 IPC**, in Crime No.688 of 2020, pending investigation on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to previous enmity on account of fight while playing cricket, the petitioner along with other accused had committed the murder of one Sahabudin, the son of the defacto complainant.

3.The learned counsel appearing for the petitioner would submit that the petitioner is arraigned as A9 in this case and the incident had occurred due to a fight while playing cricket. He would further submit that his name does not find place in F.I.R. and he was implicated based on the confession statement given by the co-accused. He would further submit that other arrested accused have been enlarged on bail.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently oppose stating that the petitioner is the kingpin in this case and he is the person who has given sketch to commit the murder of the victim. He would further submit that the co-accused who have been granted bail do not have any previous cases against them, as far as this petitioner is concerned, he has six previous cases, out of which, four cases have been registered for the offences punishable under Section 302 IPC and two other cases for the offences under Section 307 of IPC. At this stage, if the petitioner is granted bail, there is every possibility of the petitioner threatening the witnesses.

5.Taking into consideration of the fact and submissions made by the learned Government Advocate (Crl. Side) and also considering the fact that the petitioner has got six previous cases out of which four cases have been registered for the offences under Section 302 IPC and two cases have been registered for the offences under Section 307 IPC, this Court is not inclined to grant bail to the petitioner.

6.This Criminal Original Petition stands dismissed accordingly.

-sd/-

05/10/2020

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 INSPECTOR OF POLICE,
V-1, VILLIVAKKAM POLICE STATION,
CHENNAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI.

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

CRL OP.15609/2020

Date :05/10/2020

TA-30/11/2020

<https://hcservices.ecourts.gov.in/hcservices/>