

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.10.2020

CORAM :

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

CRL.O.P.No.16332 of 2020

Kamaraj

... Petitioner

Vs.

The State rep by its
The Inspector of Police,
Avadi Police Station,
Chennai.
Crime No.1061/2020.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.1061 of 2020 on the file of the respondent police.

For Petitioner : Mr.D.Padmanabhan

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 the Judicial Custody on 26.08.2020, for the offences punishable under Section 452, 294(b), 342, 324, 307 and 506(ii) of IPC, in Crime No. 1061 of 2020, on the file of the respondent police seeks bail.

2.The case of the prosecution as per the defacto complainant Manoj is that on 26.08.2020, when the defacto complainant had gone to the house of his childhood friend, the accused had entered into his friend's house and had assaulted him brutally with knife due to which, he sustained five cut injuries and his throat was also slit. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that this is the third bail application and this Court had earlier dismissed his bail application vide order dated 28.09.2020 in Crl.O.P.No.15243 of 2020. He would further submit that even as per F.I.R., the victim earlier had assaulted the petitioner/first accused with knife in respect of which, the victim was in jail. Thereafter, he came out of jail three days prior to the occurrence. He would further submit that the petitioner is suffering incarceration from 26.08.2020 and hence, he prays for grant of bail to the petitioner.

4.The learned Government Advocate (Criminal Side) would vehemently oppose stating that due to previous enmity, the accused along with A2 entered into the house of the defacto complainant's friend and attacked the defacto complainant with knife due to which, he sustained serious injuries. He would submit that the accused had also slit the throat of the victim. He would further submit that the petitioner is a history sheeter and he has four previous cases to his credit and this Court had dismissed his bail application recently in CrI.O.P.No.15243 of 2020 vide order dated 28.09.2020.

5.Taking into consideration of the facts and circumstances and also considering the fact that the petitioner is a history sheeter and he has got four previous cases to his credit and also considering the fact that his bail application was dismissed by this court very recently on 28.09.2020, this Court is not inclined to grant bail to the petitioner for the present.

6.This Criminal Original Petition stands dismissed accordingly.

-sd/-
14/10/2020

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,
AVADI POLICE STATION,
CHENNAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

CC to M/S.D.PADMANABHAN Advocate on payment of necessary charges

CRL OP.16332/2020

Date :14/10/2020

TA-22/10/2020