

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.10.2020

CORAM :

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

CRL.O.P.No.16659 of 2020

1.Akash Kumar @ Kattappa
2.Kathavarayan
3.Gunasekara Pandian @ Gulla
4.Senthilkumar @ Senthil ... Petitioners/ Accused

Vs.

State rep by:
Inspector of Police,
T-5, Thiruverkadu Police Station,
Ambattur, Chennai District.
(Crime No.909 of 2020) ... Respondent /Complainant

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioners 1 to 4 on bail in Crime No.909 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr.S.Suresh

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

ORDER

(The cases have been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 13.09.2020 for the offence punishable under Section 302 of IPC, in Crime No.909 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to previous enmity, the petitioners along with A1 committed the murder of the deceased by indiscriminately cutting him with knife. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that the petitioners were not even present in the scene of occurrence and that there is no eyewitness to the occurrence. He would further submit that the deceased was a habitual offender and he had several enemies

and that the petitioners are no way connected with the offence. He would further submit that A1 in this case has been detained under Act 14 and the petitioners have been suffering incarceration from 13.09.2020. Hence, he prays for grant of bail to the petitioners.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently oppose stating that due to previous enmity, the petitioners along with A1, had waylaid the deceased and cut him indiscriminately due to which, the deceased suffered 18 cut injuries and died. He would further submit that the petitioners were arrested recently on 13.09.2020 and the investigation is at the initial stage.

5.Taking into account the nature of offence and the fact that the deceased has suffered 18 cut injuries and the petitioners were arrested recently on 13.09.2020 and that the investigation is at the initial stage, this Court is not inclined to grant bail to the petitioners. Accordingly, this Criminal Original Petition stands dismissed.

-sd/-

28/10/2020

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 SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
T-5, THIRUVERKADU POLICE STATION,
AMBATTUR, CHENNAI DISTRICT.

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

CRL OP.16659/2020

Date :28/10/2020

cs 03/11/2020

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