

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2020

CORAM :

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.No.16915 of 2020

R.Manojkumar

... Petitioner

Vs.

The Inspector of Police,
Avinashi Police Station,
Tiruppur District.
(Crime No.1868 of 2020)

...Respondent

Prayer: Criminal Original Petition filed under Section 439 of Cr.P.C., to enlarge the petitioner on bail in Crime No.1868 of 2020 on the file of the respondent Police.

For Petitioner : Mr.T.Balachandran

For Respondent : Mr.T.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 27.09.2020 for the offences punishable under Sections 294(b), 341, 326 and 506(ii) of I.P.C @ Section 307 of IPC in Crime No.1868 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant Karthi is that on 23.09.2020, due to wordy quarrel, the petitioner along with other accused waylaid the defacto complainant and attacked him with knife and wooden log and also criminally intimidated him. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He would submit that both the petitioner and the defacto complainant are from same locality and due to enmity, a false case has been foisted against the petitioner. He would further submit that the petitioner's name is not found in the F.I.R. and the petitioner has been implicated in this case based on the confession of the co-accused and that the petitioner has been suffering incarceration from 27.09.2020. Hence, he prays for grant of bail.

4.The learned Government Advocate (Crl. Side) appearing for the respondent police would vehemently oppose stating that the petitioner along with other accused attacked the defacto complainant with knife and wooden log due to which, he sustained severe injuries. He would further submit that the occurrence took place on 23.09.2020 and the defacto complainant was hospitalized for more than 10 days and was discharged from the hospital only on 05.10.2020. He would further submit that the petitioner has got one previous case and that the investigation is pending and if the petitioner is granted bail at this stage, there is every possibility that he would tamper the evidences and witnesses.

5. Though the petitioner's name is not found in the F.I.R. and he has been implicated in this case only based on the confession of the co-accused considering the fact that the investigation is at the preliminary stage and the petitioner has been arrested recently on 27.09.2020, he has got four previous cases, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition stands dismissed.

-sd/-

22/10/2020

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, COIMBATORE.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
AVINASHI POLICE STATION,
TIRUPPUR DISTRICT.

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

CRL OP.16915/2020

Date :22/10/2020

RVR 04/11/2020