

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.18177 of 2020

Y.Babu

... Petitioner

Vs.

The State represented by
Inspector of Police,
Hosur Town Police Station,
(Crime No.41 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioner/accused on bail pending investigation in Crime No.41 of 2020 on the file of the respondent.

For Petitioner : Mr.N.Stalin

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 22.09.2020 for the offences punishable under **Sections 147, 148, 120(b), 302 IPC** in Crime No.41 of 2020, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant is that on 02.02.2020 at about 7.30 p.m., she received a call from one Jabeetha begum who is her sister-in-law that her husband has been murdered at R.V. Boys Higher Secondary School while he was walking and the murder was done by some unidentified persons aged about 25 to 35 years. The defacto complainant suspected that the victim might have enemies in the real estate business and has given the complaint.

3. The learned Counsel appearing for the petitioner/A2 would submit that the petitioner is an innocent and he has been falsely implicated in this case based on the confession statement of the arrested accused/A1 and since he seems to be the friend of A1. He would further submit that the other accused/A7 and A8 have been released on bail by this Court and that the petitioner has

been suffering incarceration from 22.09.2020. 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 is a hireling, engaged by A1 to commit the murder of the victim, due to enmity in the business. He would submit that A1 along with the petitioner and other accused, committed the murder of the defacto complainant's husband by assaulting him brutally with dangerous weapons. As far as this petitioner is concerned, he has got three previous cases as follows;

S.No.	Police Station	Crime No.	U/s
1	Hosur Town P.S.	578/2016	302 IPC
2	Hosur Town P.S.	496/2018	394 r/w 397 IPC
3	Mathigiri P.S.	342/2020	392 IPC

The learned Government Advocate (Crl.Side) would further submit that the petitioner was absconding for a long time and with very great difficulty, the respondent was able to apprehend him on 22.09.2020 and that the investigation is pending.

5. Taking into account the nature of offence and the fact that there are three previous cases against the petitioner and that the petitioner has been arrested recently on 22.09.2020 after a great difficulty and the investigation is pending, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

-sd/-

19/11/2020

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,
HOSUR TOWN POLICE STATION,
KRISHNAGIRI DISTRICT.

2 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

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

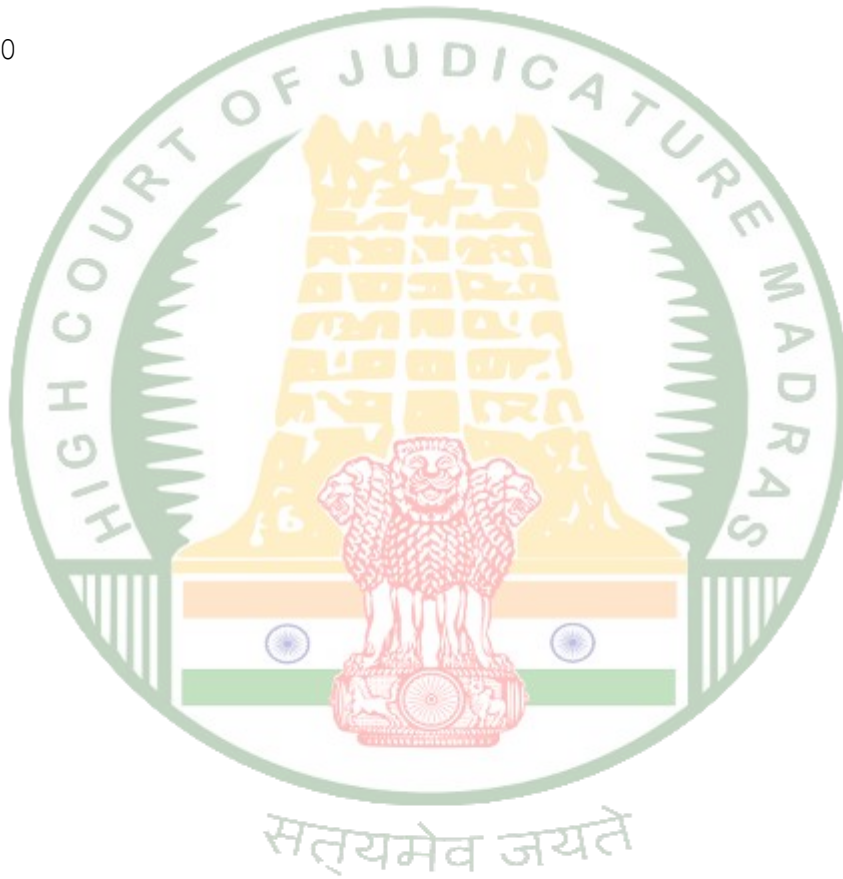
3 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

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

CRL OP.18177/2020

Date :19/11/2020

MN-08/12/2020



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