

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.11.2020

CORAM :

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

CRL.O.P.No.18293 of 2020

PITCHAPILLAI @ NESATAMILAN

... petitioner

Vs.

State rep by
The Inspector of Police,
Ganagavalli Police Station,
Salem District.
(Crime No.503 of 2020)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.503 of 2020 pending on the file of the Inspector of Police, Gangavalli Police Station, Salem District.

For petitioner : Mr.A.T.Anbu Kumar

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 20.10.2020 for the offences punishable **under Sections 294 (B), 323, 324 and 506(ii) of IPC altered to 294(b), 323 and 307 of IPC, in Crime No.503 of 2020** on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant is that Al one Manoharan was having illicit intimacy with the wife of the defacto complainant and that they have pre-planned to do away with the defacto complainant. At about 2.00 a.m. on 20.10.2020, the petitioner along with other accused entered the house of the defacto complainant and assaulted the defacto complainant with hands and legs and also abused him with filthy language. When the local people had come to protect him, they have escaped from the scene of occurrence.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner was engaged as driver to take other accused, other than that, he does not know anything.

4.The learned Government Advocate (Crl. Side) would 'vehemently oppose stating that A1 has illicit intimacy with the wife of 'the defacto complainant and that they planned to do away with the defacto complainant on 20.10.2020 and at the instigation of the wife of the defacto complainant, all the accused had attempted to murder the defacto complainant, on seeing the people around, they ran away from the scene of occurrence. He would further submit that the petitioner is a history sheeter and habitual offender and he has already involved in three previous cases, he joined with other accused and attempted to commit murder of the defacto complainant. He would further submit that the investigation is pending and A1 in this case is absconding.

5.Taking into consideration of the allegation against the petitioner and that A1 is still absconding, and the investigation is in initial stage, this Court is not inclined to grant bail to the petitioner.

6.This Criminal Original Petition stands dismissed accordingly.

-sd/-
20/11/2020

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,
GANGAVALLI POLICE STATION, सत्यमेव जयते
SALEM DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

CC to M/S.A.T.ANBU KUMAR Advocate on payment of necessary charges

CRL OP.18293/2020

Date :20/11/2020