

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.12.2020

CORAM

THE HONOURABLE MR.JUSTICE. M.NIRMAL KUMAR

CrI.O.P.No.18818 of 2020

1. Madhan
2. Aathikesavan

... Petitioners

Vs.

State Represented by
The Inspector of Police,
H-3, Tondiarpet Police Station,
Chennai.
(Crime No.4295 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C, to enlarge the petitioner on bail pending investigation in Crime No.4295 of 2020 on the file of the respondent police.

For Petitioner : Mr.S.Anbazagan

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

ORDER

This case has been heard through video conference

The petitioner who was arrested and remanded to judicial custody on 16.08.2020 for the offence punishable under Sections 147, 148, 341, 307, 302, 506 (ii), 120 (b) of IPC in Crime No.4295 of 2020 on the file of the respondent police, seek bail.

2. The case of the prosecution is that A1 in this case had arranged to others smuggled huge liquor bottles and selling it prime price in the locality during the lockdown period and the apprehension, the raid was conducted and A1 was arrested. On suspicious, the deceased informed to the police and she had engaged A2 to A9 in this case. A2 and other accused assaulted and eliminated the deceased on 15.08.2020 at about 6.45 p.m., in the public place to get the other person to teach the lesson. A1 along with other accused committed murdered the deceased Kesavan with deadly weapon in the public place and her wife is the defacto complainant who lodged a complaint immediately after the occurrence at about 3.00 hrs. In this case the investigation has been completed and charge

sheet has been filed and it is pending on trial in S.C.No.147 of 2020.

3. The contention of the learned counsel for the petitioners is that in this case A1 had been granted bail in CrI.O.P.No.18104 of 2020 dated 16.11.2020. A6 to A9 and the petitioners who are involved in the same nature, A6 to A9 granted bail by the learned Principal Sessions Judge. The petitioners were in custody from 16.09.2020 and 17.09.2020 i.e., for more than 74 days. Hence, he seeks bail.

4. The learned Government Advocate (CrI. Side) apart from narrated the fact that the case submitted that the petitioners are notorious criminal and the first petitioner is involved in 18 previous cases and the second petitioner is involved in 9 previous cases which are similar in nature. He would further submit that the murder has been taken in the public place. A1 is being a lady and she was granted bail to the condition that to stay at Tada. As regards A6 to A9 granted bail by the Principal Sessions Judge. The respondent police care taken and completed the investigation within the stipulated time and also filed the charge sheet. The witnesses threatened by the petitioner and other accused. The prosecution is ready to complete the trial within the stipulated time. The case is posted on 03.12.2020 on framing charges.

5. Taking into consideration of the facts and circumstances of the case, this Court is not inclined to grant bail to the petitioners and it would be appropriate in such kind of case, the trial should be completed within a stipulated time i.e., six months.

6. In view of the above direction, this Criminal Original Petition is dismissed.

-sd/-

01/12/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

WEB COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE INSPECTOR OF POLICE,
H-3, TONDIARPET POLICE STATION,
CHENNAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

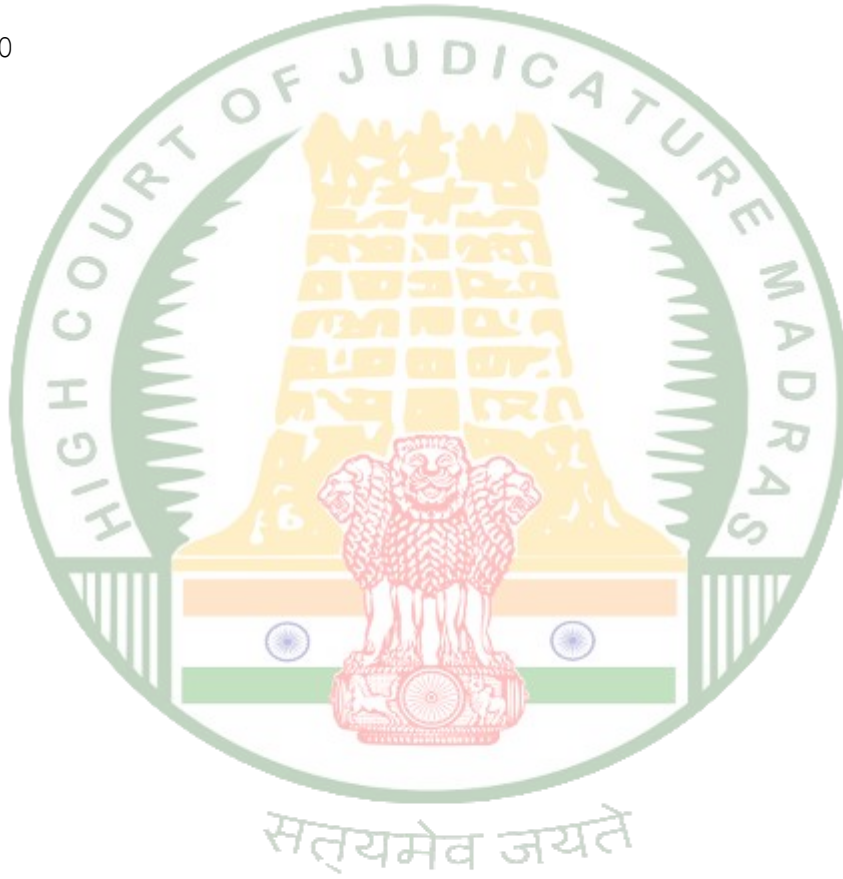
3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

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

CRL OP.18818/2020

Date :01/12/2020

MN-09/12/2020



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