



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Friday, the Twenty Fourth day of April Two Thousand Twenty

PRESENT

The Hon`ble Mr.Justice P.VELMURUGAN

CRL OP (MD) No.5272 of 2020

M.PARTHASARATHY

... PETITIONER/ACCUSED NO.2

Vs

STATE REP BY
THE INSPECTOR OF POLICE
THALAMUTHU NAGAR POLICE STATION
TUTICORIN DISTRICT
CRIME NO.24/2020

... RESPONDENT/COMPLAINANT

For Petitioner : MR.C.SUSI KUMAR Advocate

For Respondent : MR.S.CHANDRASEKAR,
Additional Public Prosecutor

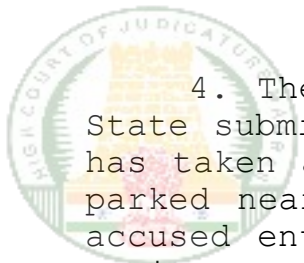
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner is arrayed as accused No.2, who was arrested and remanded to judicial custody on 29.01.2020 for the alleged offences punishable under Sections 341, 342, 324, 294(b), 307, 302 and 506 (ii) of I.P.C., in Crime No.24 of 2020, on the file of the respondent police and hence, seeks bail.

2. The case of the prosecution is that on 27.01.2020, at about 11.30 p.m., the petitioner along with the other accused said to have caused injuries to the son of the de-facto complainant with deadly weapons. Subsequently, he died and based on the complaint given by the de-facto complainant, the case was registered against the petitioner for the above said alleged offences.

3. The learned counsel appearing for the petitioner submitted that the the petitioner is arrayed as accused No.2 and he was arrested on 29.01.2020 and he is in custody for more than 88 days. He further submitted that the co-accused viz., A4 was already released on bail by this Court in Crl.O.P.(MD).No.3163 of 2020 and A1 and A3 were released on bail by the learned Sessions Judge, Thoothukudi in Crl.M.P.No.1145 and 912 of 2010 and the investigation is almost completed. Therefore, bail may be granted to the petitioner.



4. The learned Additional Public Prosecutor appearing for the State submitted that when the de-facto complainant's brother-in-law has taken a photograph in his mobile of the pulsar bike, which was parked near the STD Booth bus stop, noticing the same, the second accused entered quarrel with the brother in law. Due to the said motive, on 27.01.2020, the petitioner along with other accused have brutally attacked the son of the de-facto complainant and stabbed at the vital part. Subsequently, he died on the same day. He further submitted that the earlier bail application filed by the petitioner was dismissed and the investigation is almost completed and they are awaiting for forensic lab report for filing a charge sheet. Therefore, the bail petition may be dismissed.

5. I have heard the learned counsel on either side and perused the records.

6. The case alleged to have registered against the petitioner and three others. Even though the bail granted by this Court for A4 in CrI.O.P.(MD).No.3163 of 2020 and the Sessions Court granted bail to A1 and A3, earlier bail application dismissed against this petitioner on the ground that there was a specific overt act against this petitioner. According to the prosecution, the overt act against the petitioner is that he stabbed with deadly weapon and therefore, the victim sustained injuries and subsequently he died.

7. Considering the facts and circumstances of the case and also considering the gravity of the offence, this Court is not inclined to grant bail to the petitioner.

8. Accordingly, this petition is dismissed.

sd/-
24/04/2020

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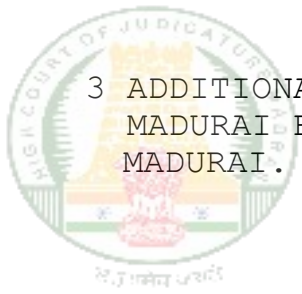
/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note: This order copy may be treated as true copy

TO

1.THE SUPERINTENDENT OF POLICE,
CENTRAL PRISON, PALAYAMKOTTAI

2.THE INSPECTOR OF POLICE
THALAMUTHU NAGAR POLICE STATION
TUTICORIN DISTRICT



3 ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

WEB COPY

ORDER

IN

CRL OP (MD) No.5272 of 2020

Date :24/04/2020

TE/SKN/SAR-2 (24.04.2020) 3P-4C