



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

Date : 12/10/2020

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.10411 of 2020

1. Johnson
2. Nesco
3. Sorisjohn

... Petitioners/Accused Nos.2 to 4

Vs

State rep.by
The Inspector of Police,
Rajakkamangalam Police Station,
Kanyakumari District,
In Crime No. 379/2020.

... Respondent/Complainant

For Petitioners : Mr.M.Subash Babu,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

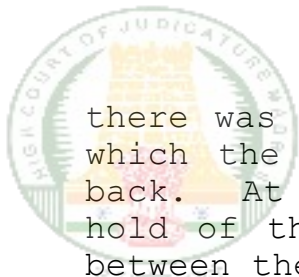
PRAYER :-

For Bail in Crime No.379 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/A2 and A4 , who were arrested and remanded to judicial custody on 13.09.2020 for the offences punishable under Sections 294(b),342,307,302 and 506(ii) of IPC on the file of the respondent police seek bail.

2. The case of the prosecution is that on 12.09.2020 at about 08.30 hrs there was a wordy quarrel between the defacto complainant brother and one Prakah in which the defacto complainant's brother slapped Prakash and that was opposed by the first accused herein and there was a commotion between them. Hence on the very same day at about 09.30 hrs when the deceased crossed the first accused house



there was a quarrel between the first accused and the deceased, in which the first accused said to have stabbed the deceased on his back. At that time second accused and others said to have caught hold of the deceased and when the defacto complainant intercepted between them he was attacked by the accused persons.

WEB COPY

3. The learned counsel for the petitioner would submit that the petitioners are friends of A2. In so far as the first petitioner is concerned even as per the prosecution he attacked the defacto complainant and he sustained only simple injuries and treated as out patient. In so far as other accused persons are concerned they caught hold of the deceased. He would also submit that the petitioners are in jail from 12.09.2020, hence they may be granted bail.

4. The learned Government Advocate(Crl.Side) would submit that the petitioners are having specific overt act. As per the First Information Report there was a quarrel between the first accused and the deceased at about 08.30 pm.,and thereafter it continued. Thereafter all the accused joined together and when the deceased proceeded further to his house the accused persons waylaid by the deceased and attacked him deadly weapons and thereafter he sustained grievous injuries and died. And when the defacto complainant intercepted he also sustained injuries and he was admitted in the hospital and discharged from the hospital on the next day. He would also submit that investigation is still pending.

5. It is seen that there are four accused in this case and the petitioners herein are arrayed as A2 and A4 and they are having specific overt act. It is also seen that wordy quarrel arose between the deceased and one Prakash, in which the defacto complainant sustained injuries and discharged from the hospital on the next day. The petitioner were arrested on 13.09.2020 and investigation is still pending.

6. Taking into consideration all the facts and circumstances of the case, this Court is not inclined to grant bail to the petitioners.

7. Hence this petition stands dismissed.

sd/-
12/10/2020

/ TRUE COPY /

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



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

WEB COPY

- TO
1. THE OFFICER INCHARGE,
SUB JAIL, NAGERCOIL
 - 2 THE INSPECTOR OF POLICE,
RAJAKKAMANGALAM POLICE STATION,
KANYAKUMARI DISTRICT.
 - 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.10411 of 2020
Date :12/10/2020

AAV
AE/AKM/SAR-III (14.10.2020) 3P 4C