



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

Date : 09/11/2020

PRESENT

WEB COPY

The Hon'ble Mr. Justice S.M. SUBRAMANIAM

CRL OP(MD). No.12585 of 2020

Thangaraj

... Petitioner/Accused No.2

Vs

The Inspector of Police,
Authoor Police Station,
Authorr, Thoothukudi District.
(Crime No.265 of 2020).

... Respondent/Complainant

For Petitioner : M/s.N.Pragalathan, Advocate.
For Respondent : Mr.M.Chandrasekaran,
Additional Public Prosecutor

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

PRAYER :- For Bail in Crime No. 265 of 2020 on the file of the Respondent Police

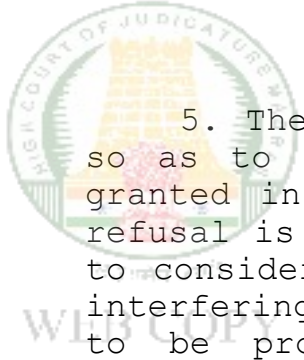
ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 08.09.2020 for the offences punishable under Sections 450,294(b),324,307,302 and 506(ii) of IPC on the file of the respondent police seeks bail.

2.The case of the prosecution is that one Kanaga was stabbed and attacked by A1 and A2. A3 was also present in the scene of occurrence and A2 induced A1 to stab the deceased. All the accused together committed the act of Crime.

3. The learned Additional Public Prosecutor is of the considered opinion that the date of occurrence is 08.09.2020 and the investigation is in progress . In view of the fact that there was a motive and intention to commit the act of crime and *prima facie* case has been established as against the accused person it would not be preferable to grant bail at this juncture.

4. This Court is of the considered opinion that the contention of the learned counsel for the petitioner that the accused is innocent cannot be weighed at this point of time, in view of the fact that investigation is in progress and plea of innocence can be considered only when there is some circumstances enabling this Court to arrive at a conclusion as there is no *prima facie* case or it is a fit case to consider grant of bail.



5. The facts and circumstances are to be looked into prudently so as to consider grant of bail. It is not as if bail can be granted in a routine manner. Granting of bail is a rule however, refusal is an exception. While granting bail the Courts are bound to consider whether there is possibility of tampering witnesses or interfering with the process of investigation. A fair platform is to be provided to conduct investigation freely, enabling the authorities to collect evidence and find out the truth behind the crime registered. All this factors are to be considered in the present case. The three accuseds entered into the house of the deceased when the deceased woman and her sister was alone residing in the house and A1 attacked the said Kanaga and stabbed her with knife. A2 instigated A1 as per the prosecution case. However, all these facts are under investigation and this Court need not made any comment on all those facts. This Court has considered all the facts, which are relied by the respective parties and as such the petitioner is not entitled for bail.

6. Hence this petition stands dismissed.

sd/-
09/11/2020

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/ /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.

TO

1. THE SUPERINTENDENT,
CENTRAL JAIL,
PALAYAMKOTTAI,
TIRUNELVELI DISTRICT.
2. THE INSPECTOR OF POLICE,
AUTHOOR POLICE STATION,
AUTHORR, THOOTHUKUDI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CRL OP(MD) No.12585 of 2020
Date : 09/11/2020