



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/11/2020

WEB COPY

PRESENT

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

CRL OP(MD). No.13525 of 2020

Sunil Nayakam

... Petitioner/Accused No.5

Vs

The Inspector of Police,
Thiruvattur Police Station,
Kanyakumari District.
Crime No.484 of 2020

... Respondent/Complainant

For Petitioner : M/s.R.Rajesh, Advocate.

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

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

PRAYER :-

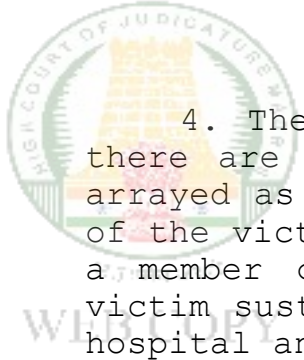
For Bail in Crime No.484 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 20.09.2020 for the offences punishable under Sections 294(b), 307, 324, 341 and 506(ii) of IPC @ 120(B), 109, 34, 324, 341, 506(ii), 294(b) and 307 of IPC on the file of the respondent police seeks bail.

2. The case of the prosecution is that on the instruction given by the first accused all the accused persons have attacked the victim using iron rod, due to which he sustained injuries and admitted in the hospital.

3.The learned counsel for the petitioner would submit that even according to the case of prosecution the first accused had engaged other accused persons to commit the offence. He would also submit that as per the confession given by A3 there is no absolutely no overt act as against the petitioner herein. Hence he sought for bail.



4. The learned Government Advocate(Crl.Side) would submit that there are nine accused in this case and the petitioner herein is arrayed as A5. A1 engaged other accused persons to do away the life of the victim who was a counsellor of Thiruvattur Municipality and a member of one political party. He would also submit that the victim sustained grievous injuries in his head and admitted in the hospital and still taking treatment and he is unconscious. He would also submit that five previous cases are pending against the petitioner. Hence he vehemently opposed to grant anticipatory bail to the petitioner.

5. Taking note of the above facts and circumstances of the case and also taking into consideration the fact that the petitioner is having five previous cases and the injured is still taking treatment, this Court is not inclined to grant bail to the petitioner.

6. In the result, the petition stands dismissed.

sd/-
27/11/2020

/ 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.

TO

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

ORDER
IN
CRL OP(MD) No.13525 of 2020
Date :27/11/2020