



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

Date : 04/12/2020

PRESENT

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

CRL OP(MD) . No.14106 of 2020

R.Satham Hussain

... Petitioner/Accused No.3

Vs

State represented by,
The Inspector of Police,
South Gate Police Station,
Madurai.

In Crime No.1095 of 2020.

... Respondent/Complainant

For Petitioner : M/s.S.M.A.Jinnah,
Advocate.

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

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

PRAYER :-

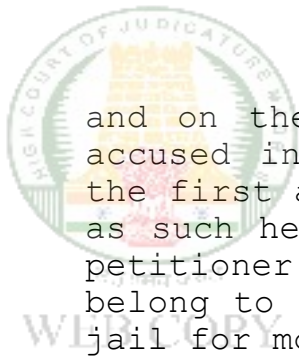
For Bail in Crime No.1095 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A5, who was arrested and remanded to judicial custody on 26.09.2020 for the offences punishable under Sections 302, 120(B), 147, 341 and 294(b) of IPC on the file of the respondent police seeks bail.

2.The case of the prosecution is that the accused persons group and the deceased persons group had previous enmity with regard to who become "தூதா" for the said locality. In this regard all the accused persons intended to murder the deceased and chased him. Therefore all the accused persons have the deceased on his head. Thereafter one of the accused put a big stone on his head and as such the deceased sustained injuries and died on the spot.

3.The learned counsel for the petitioner would submit that the petitioner has been falsely implicated in this case and he is not all connected with the other accused and there is no eye witness to the said occurrence and the complaint was lodged only on next day



and on the hearsay witness the petitioner has been implicated as accused in this case. Even according to the case of prosecution the first accused only put the stone on the head of the deceased and as such he sustained grievous injuries and died. In so far as the petitioner is concerned he is not the friend of A1 and he does not belong to any group. He would further submit that the petitioner is jail for more than 60 days, hence he may be granted bail.

4. The learned Government Advocate(Crl.Side) would submit that there are two groups in the said locality and the petitioner belongs to one group and the deceased belongs to another group. There was a dispute between the petitioner group and the deceased group in respect of who become "தூதா" for the said locality. Therefore on 24.09.2020 all the accused persons including the petitioner herein chased the deceased and attacked him and finally the first accused had put a big stone on the head of the deceased, due to which he sustained grievous injuries on his head and die. In so far as the petitioner is concerned he is also standing on the same footing and he belongs to the associate of the first accused group and all the accused persons intended to murder the deceased and chased him. He further submitted that the petitioner was arrested only on 26.09.2020 and he is a habitual offender and having four previous cases against him, hence he opposed to grant bail to the petitioner.

5. It is seen that there are five accused in this case and the petitioner herein is arrayed as A5. According to the case of prosecution the petitioner group and the deceased group are having previous enmity. Therefore on the date of occurrence all the accused persons chased the deceased and attacked him. The petitioner is also one of the associate of the first accused group and all the accused persons brutally murdered the deceased by putting stone on his head. Investigation is still pending, hence this Court is not inclined to grant bail to the petitioner.

6. At this juncture the learned counsel for the petitioner seeks permission of this Court to withdraw the petition.

7. In view of the same, this petition stands dismissed as withdrawn.

sd/-
04/12/2020

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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 PRISON,
MADURAI
- 2.THE INSPECTOR OF POLICE,
SOUTH GATE POLICE STATION, MADURAI.
- 3.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.14106 of 2020
Date :04/12/2020

aav
PK/AKM/SAR-II/09.12.2020 : 3P/4C