



WEB COPY

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.14080 of 2020

Sankareshwaran @ Sankar @ Sundu

... Petitioner/Accused
(Rank Not Known)

Vs

State rep.by
The Inspector of Police,
Kadupatti Police Station,
Madurai District.
Crime No 1427/2020.

... Respondent/Complainant

For Petitioner : Mr.M.Thiyagarajan,
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. 1427/2020 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/A9 herein was arrested and remanded to judicial custody on 29.08.2020, for the offence under Sections 147, 148, 294(b), 120(B), 324 and 506(ii) of IPC and Section 83(2) of JJ Act, in Crime No.1427 of 2020 on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that due to previous enmity, the petitioner and other accused persons said to have attacked the deceased with deadly weapons and murdered him. Thereafter, the deceased died. Hence, the present complaint.



3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent Police.

4. The learned counsel appearing for the petitioner submitted that totally there are fourteen accused, in which, the petitioner has been arrayed as A9. He further submitted that he has only watched the moment of the deceased and except this allegation, no other serious allegations against the petitioner. He further submitted that the petitioner was arrested on 29.08.2020 and the respondent Police has completed the investigation and also filed a final report. Therefore, the custodial interrogation of the petitioner is not required. Hence, he seeks bail.

5. The learned Government Advocate (Crl. Side) appearing for the respondent Police submitted that totally there are fourteen accused, in which, the petitioner has been arrayed as A9. He further submitted that A1 and A2 murdered the deceased's brother and in this case the deceased is the one of the eye witness in the earlier case. He further submitted that only to escape from the earlier murder case, all the accused have conspired together and attacked the deceased with deadly weapons, thereby, he sustained injuries and died. He further submitted that if the petitioner released on bail, the deceased's brother is alive and he would be also murdered by the same accused persons. He further submitted that insofar as A1 to A4 are concerned, they are detained under Goondas Act.

6. Considering the facts and circumstances of the case and also considering the fact that if the petitioner released on bail, the deceased's brother is alive and he would be also murdered by the same accused persons and there are serious allegations against the petitioner, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, this Criminal Original Petition stands dismissed.

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,
KADUPATTI POLICE STATION,
MADURAI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.14080 of 2020

Date : 04/12/2020

vsg

AE/SMA/SAR-III (16.12.2020) 3P / 4C