



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/12/2020

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

CRL OP (MD) . No.16058 of 2020

Jafar Shathik

... Petitioner/Accused No.1

Vs

The State Rep. by
The Inspector of Police,
Thenkarai Police Station,
Periyakulam,
Theni District
Crime No.1977/2020

... Respondent/Complainant

For Petitioner : Mr.Mohamed Aslam M.U for
M/s.Ajmal Associates,
Advocate.

For Respondent : Mr.R.Erottuchamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No. 1977 of 2020 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner is arrayed as accused No.1. He was arrested and remanded to Judicial Custody on 16.11.2020 for the offences punishable under Sections 302 and 109 of IPC, in Crime No.1977 of 2020, on the file of the respondent police. He seeks bail.

2.The case of the prosecution is that due to previous enmity between the petitioner and the brother of the defacto complainant regarding running a mutton stall, A1 attacked the deceased with wooden log and A2 instigated A1 to kill the brother of the defacto complainant. Due to which the petitioner assaulted the brother of the defacto complainant on chest with his hand, in which he fell down and immediately he was taken to hospital, where he was declared dead.



3. The learned counsel for the petitioner would submit that no such occurrence had taken place and due to some business motive the petitioner has been falsely implicated in this case and the deceased died only due to the cardiac arrest. He would also submit that the petitioner is in jail for more than 50 days, hence he may be granted bail.

4. The learned Government Advocate (Crl. Side) would submit that A2 in this case is still absconding and the investigation is still pending.

5. Taking into consideration the above facts and circumstances of the case and also taking note of the fact that the investigation is still pending and releasing the bail at this stage may hamper the investigation, hence this Court is not inclined to grant bail to the petitioner.

6. In the result, the petition stands dismissed.

sd/-
30/12/2020

/ TRUE COPY /

/ /2021
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,
THENKARAI POLICE STATION,
PERIYAKULAM,
THENI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER IN
CRL OP (MD) No.16058 of 2020
Date : 30/12/2020