

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Seventeenth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.5264 of 2021

1 SANTHOSH
2 ANANTH
3 MADESH

[PETITIONERS / ACCUSED]

vs

STATE BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
DENKANIKOTTAI POLICE STATION,
KRISHNAGIRI DISTRICT.
CR.NO.669 OF 2020.

For Petitioner : M/S.M.JAYACHANDRAN Advocate

For Respondent : M/S.M.PRABHAVATHI, ADDITIONAL PUBLIC PROSECUTOR

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

(The case has been heard through video conference)

The Petitioners, who were arrested and remanded to judicial custody on 02.01.2021 for the offence punishable under Section 302 and 341 of IPC in Crime No.669 of 2020, seeks bail.

2. Totally there are 7 accused and the petitioners are arrayed as A1 to A3. The case of the prosecution is that earlier, the deceased, in an inebriated mood attacked the first petitioner/A1's father and caused serious injuries to him. Due to the said enmity, on the date of occurrence, all the accused conspired together and attacked the deceased indiscriminately and caused serious injuries to him and also tied him in a pillar and thereafter, the father of the deceased took him to his house. On the next day, the defacto complainant took the deceased to the hospital, where, he declared dead. Hence, the complaint came to be registered.

3. The learned counsel for the petitioners would submit that due to sudden provocation, the occurrence has taken place. Since the first petitioner/A1's father was being attacked by the deceased, in retaliation, this occurrence has taken place and there is no intention to cause the death of the deceased. He would further submit that co-accused in this case were already granted bail. They are in jail from 02.01.2021. Therefore, he prays to grant bail to the petitioners.

4. The learned Additional Public Prosecutor vehemently opposed stating that the petitioners are the main accused persons involved in the occurrence. The petitioners herein only tied the deceased in a pillar and attacked him brutally and caused his death and their names were found place in the First Information Report. So far as co-accused, who were released on bail, is concerned, there is no specific overtact attributed as against them.

5. I have considered the rival submissions and perused the materials available on records carefully.

6. On perusal of the records, it could be seen that the first petitioner/A1's father was attacked by the deceased on the previous day. Due to the same, these petitioners, who are named persons in the First Information Report, tied the deceased in a pillar and attacked him indiscriminately by wooden log and iron rods. On the next day, he succumbed to injuries.

7. Considering the gravity of the offence and in the brutal way, in which, the occurrence has taken place, this Court is not inclined to grant bail to the petitioners.

8. Accordingly, the Criminal Original Petition is dismissed.

-sd/-

17/03/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

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TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE SUPERINTENDENT,
CENTRAL JAIL, SALEM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

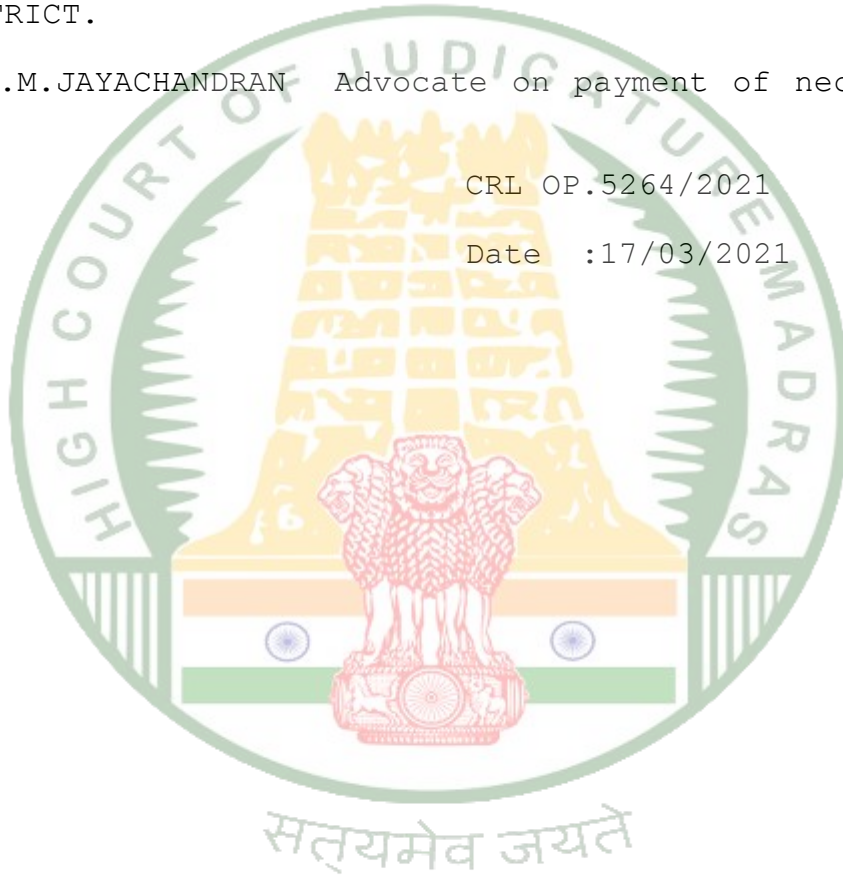
3 THE INSPECTOR OF POLICE,
DENKANIKOTTAI POLICE STATION,
KRISHNAGIRI DISTRICT.

CC to M/S.M.JAYACHANDRAN Advocate on payment of necessary
charges

CRL OP.5264/2021

Date :17/03/2021

MK:15/04/2021



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