

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Nineteenth day of April Two Thousand Twenty One

PRESENT

The Hon'ble Mr Justice P. VELMURUGAN

CRIMINAL ORIGINAL PETITION No.7168 of 2021

SOORI @ SOORIYAMOORTHY

[PETITIONER / ACCUSED]

Vs

STATE REP BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
KITCHIPALAYAM POLICE STATION,
SALEM DISTRICT (CR.NO.1182/2020)

For Petitioner : M/S.M.RAKHI Advocate

For Respondent : MR. T.P.SAVITHA, Govt. Advocate (Crl. Side)

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 24.12.2020, for the alleged offence under Sections Section 120-B, 147, 148, 149 and 341 of 302 of IPC r/w 3 (1) of TNPPDL Act and 3 (2)(v) of SC/ST Act 1989, (POA) Amendment Act, 2015 in Crime No.1182 of 2020, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to previous enmity, all the accused persons waylaid the deceased and attacked him with dangerous weapons and committed murder.

3. The learned counsel for the petitioner would submit that the petitioner has been falsely implicated in this case and he is in judicial custody for more than 120 days. It is further submitted that the petitioner is aged about 64 years and due to his ailments, he was also admitted in the Prison Hospital. It is further submitted that co-accused No.29 viz., Kanaka was released on bail by this Court in Crl.O.P.No.4919 of 2021, dated 11.03.2021 and some of the co-accused were also released on bail by the learned Judicial Magistrate.

4. The learned Government Advocate would submit that totally there are 32 accused and the petitioner herein has been arrayed as A12. A1 to A12 are in judicial custody, except accused No.8, who was released on bail on the ground that he was physically challenged

person. The petitioner was present at time of occurrence and there are specific overtact against the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government (Criminal Side) for the respondent and perused the materials available on record.

6. Though the learned counsel for the petitioner would submit that co-accused was released on bail, it could be seen the co-accused/accused No.8 was released only on the ground that he was physically challenged person. On a perusal of FIR contents, it reveals that the petitioner and other accused came in cars and two wheelers and rounded the deceased and attacked him with deadly weapons and murdered him. The offence is grave in nature and the charge sheet was also filed on 26.03.2021. Further, there is a specific overtact against this petitioner and he was also present at the time of occurrence. Since offence under Section SC/ST Act is also involved in this case, if the petitioner is released on bail, there will be a chance of communal clash.

7. Considering the serious nature of the offence against the petitioner and also stage of the case, this Court is not inclined to grant bail to the petitioner.

8. Accordingly, this Criminal Original Petition is dismissed.

-sd/-

19/04/2021

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

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

TO

1 THE SUPERINTENDENT,
CENTRAL PRISON,
COIMBATORE.

2 THE INSPECTOR OF POLICE,
KITCHIPALAYAM POLICE STATION,
SALEM DISTRICT.

WEB COPY

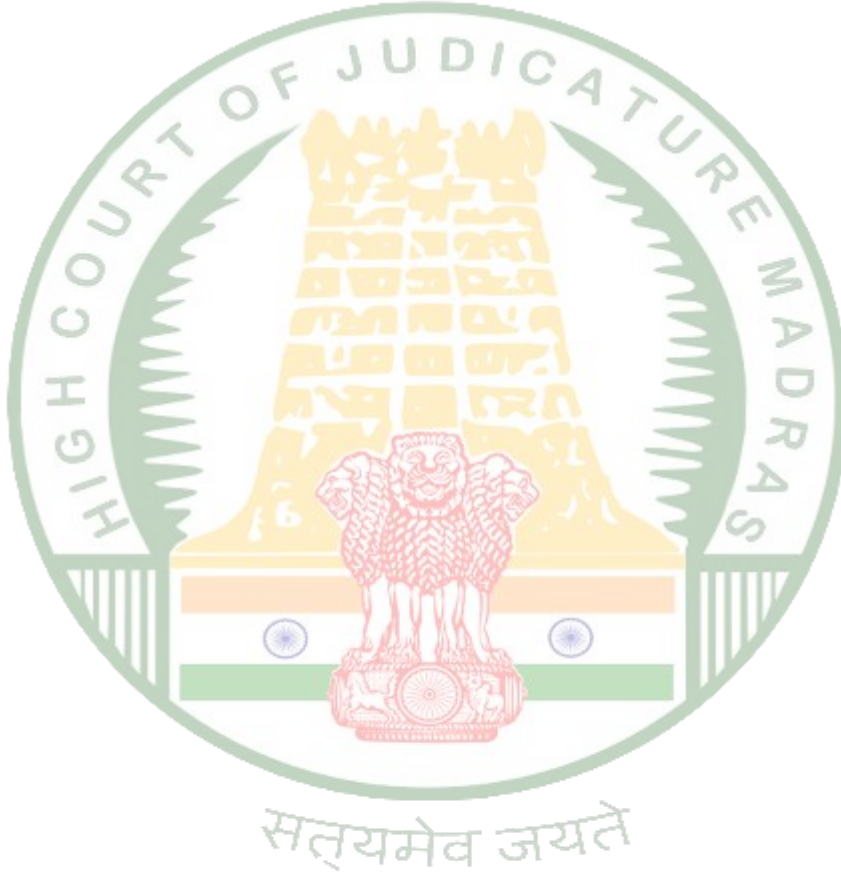
3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

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

CRL OP.7168/2021

Date :19/04/2021

RVR 21/04/2021



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