



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.11939 of 2021

G.Karthick

... Petitioner/A2

Vs.

The State represented by,
The Inspector of Police,
D3, Ice House Police Station,
Chennai
(Crime No.218 of 2021)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 Cr.P.C. praying to enlarge the petitioner on bail pending investigation in Crime No.218 of 2021, on the file of the respondent Police.

For Petitioner : Mr.P.Thinesh

For Respondent : Mr.L.Baskaran
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 27.04.2021 for the offences punishable under Sections 341, 307 r/w 341, 452, 302 & 34 of IPC, in Crime No.218 of 2021 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that on 25.04.2021, the accused persons have attacked the deceased with knife and he sustained injuries. Immediately, he was taken to hospital for treatment. Unfortunately on 26.04.2021, he died. Initially, the respondent registered the case for the offences under Section 307 of IPC and subsequently altered into under Section 302 of IPC. The petitioner along with two others accused persons were arrested and remanded to judicial custody on 27.04.2021.

3. The learned counsel appearing for the petitioner would submit that the petitioner is hailing from very respectful family and he has nothing to do with the case as alleged by the prosecution. Even according to the case of the prosecution, the petitioner has no specific overt act and he was arrested and remanded to judicial custody on 27.04.2021. He is incarcerated imprisonment for the past 75 days. Hence, he seeks for grant of bail to the petitioner.



4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that it is a pre-planned murder. There was previous enmity between the first accused and the deceased with regard to the deceased slapped the nephew of the first accused. Thereafter, the nephew of the first accused committed suicide by hanging himself. Therefore, the case has been registered under Section 174 Cr.P.C. However, the deceased is not an accused in the said crime. Due to the said enmity, all the accused persons planned to do away the life of the deceased. While the deceased was in a drunken mood, the accused persons have attacked the deceased with knife and brutally murdered the deceased. Due to which, the deceased sustained 17 cut injuries all over the body and the offence committed by the accused persons is brutal one. He further submitted that the petitioner was arrested only on 27.04.2021 and investigation is pending. Hence, he vehemently opposed for grant of bail to the petitioner.

5. It is seen that there are totally three accused, in which the petitioner is arrayed as A2. Due to previous enmity between the first accused and the deceased, all the accused persons joined together and decided to do away the life of the deceased. On the date of occurrence, while the deceased was in drunken mood, the petitioner along with two others attacked the deceased with knife and brutally murdered him. On perusal of post mortem report revealed that the deceased sustained 17 cut injuries all over the body. Therefore, the way in which the petitioner and other accused persons attacked the deceased is quite enormous one. Further, the petitioner was arrested only on 27.04.2021 and the investigation is still pending.

6. Taking into consideration that the bad antecedents of the petitioner, this Court had dismissed the earlier application filed by the petitioner and that there is no change of circumstances. Therefore, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, the Criminal Original Petition is dismissed.

-sd/-

14/07/2021

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, PUZHAI,
CHENNAI

2 THE INSPECTOR OF POLICE,
D3 ICE HOUSE POLICE STATION,
CHENNAI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.11939/2021

Date :14/07/2021

RVR 19/07/2021