



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Third day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mrs Justice V.BHAVANI SUBBAROYAN

CRIMINAL ORIGINAL PETITION No.15045 of 2021

NITHIYA @ NITHIYANANDAN

[PETITIONER / ACCUSED]

Vs

STATE REP BY ITS
THE INSPECTOR OF POLICE,
CHENGALPATTU TOWN POLICE STATION,
CHENGALPATTU DISTRICT.
(CR.NO.144/2014)

[RESPONDENT]

For Petitioner : M/S. K.SUTHAN Advocate

For Respondent : M/S. V.J.PRIYADHARSANA Govt. Advocate (Crl. Side)

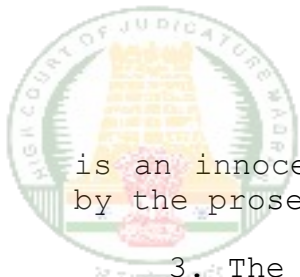
PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/accused, who was arrested and remanded to judicial custody on 24.02.2021 by the respondent police for the alleged offences punishable under Sections 147, 148, 120B, 302 IPC, r/w 3 & 4 of the Indian Explosive Substances Act, 1908 in Crime No.144 of 2014 on the file of the learned Principal District and Sessions Judge, Chengalpattu, seeks bail.

2. Heard both sides.

3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the summon was not served on the petitioner, hence, he is not known to the date of hearing of the case. Therefore, he could not appear before the concerned Court and that the petitioner



is an innocent person and he has not committed any offence as alleged by the prosecution. Hence, he prays to grant bail to the petitioner.

3. The learned Government Advocate (Criminal Side) submitted that it is the case of brutal murder. Since the petitioner has not appeared before the concerned Court. Subsequently, the accused has been absconded for the past five years. Earlier this Court dismissed the bail application No.7589 of 2021 against the accused and the same was dismissed, dated 23.04.2021. This application is the second bail application. NBW was issued against the accused and he was secured. He further submitted that the accused who is a history sheeter, involved in five other cases. Therefore, he strongly objected to grant bail to the petitioner/accused.

4. Taking into consideration the facts of the case and the submissions made by the learned counsel for the petitioner and also taking note of the fact that the serious nature of offence committed by the petitioner and also specific overt-act against them, this Court is not inclined to grant bail to the petitioner, at this stage, the Criminal Original Petition is dismissed accordingly.

-sd/-

03/09/2021

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 INSPECTOR OF POLICE,
CHENGALPATTU TOWN POLICE STATION,
CHENGALPATTU DISTRICT.

2 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.15045/2021

Date :03/09/2021

APN 08/09/2021