

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.20442 of 2020

Jayaraj

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
J11 Kannagi Nagar Police Station,
Chennai.
(Crime No.1129 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.1129 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr.M.Rajavelu

For Respondent : Mr.M. Prabavathy,
APP

O R D E R

(The case has been heard through video conference)

Petitioner, who was arrested and remanded to judicial custody on 21.10.2020 for the offence punishable under Section 302 IPC in Crime No.1129 of 2020, seeks bail.

2. Totally there are 5 accused and the petitioner is A5. The case of the prosecution is that the deceased was having illicit intimacy with the wife of A1. Due to the same, all the accused said to have attacked the deceased and thereby committed murder. Hence, a case has been registered against the petitioner.

3. The learned counsel for the petitioner would submit that even as per the First Information Report, the overt act is attributed only against A1 to A4. So far as the overt act against this petitioner is concerned, he has brought the deceased to the Scene of Occurrence based on the instruction of the other accused and except that, no specific overt act is attributed against him. Hence, he seeks bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner is the close friend of the deceased and based on the instruction of the other accused persons, he brought the deceased to the scene of occurrence, where they attacked the deceased and committed murder. She would further submit that the petitioner is the habitual offender and he is having two previous cases. Now, final report has been filed and the matter is pending for committal. Hence, she vehemently opposed to grant bail to the petitioner.

5. Considering the said facts and circumstances of the case and the gravity of the offence, and considering the bad antecedent of the petitioner, this Court is not inclined to grant bail to the petitioner and this Criminal Original Petition is dismissed accordingly.

-sd/-
20/01/2021

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 INSPECTOR OF POLICE, J,11 KANNAGI NAGAR
POLICE STATION, CHENNAI.

2 THE SUPERINTENDENT,
CENTRAL PRISON 2, PUZHAI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

WEB COPY
CRL OP.20442/2020
Date :20/01/2021

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