



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Ninth day of November Two Thousand Twenty One

PRESENT

The Hon`ble Mrs Justice T.V. THAMILSELVI

CRIMINAL ORIGINAL PETITION No.21023 of 2021

KALAIYARASAN

[PETITIONER / ACCUSED]

Vs

THE INSPECTOR OF POLICE,
KITCHIPALAYAM POLICE STATION,
SALEM DISTRICT.
CR.NO.490 OF 2021.

[RESPONDENT]

For Petitioner : MR.UDHAYA KUMAR Advocate for
M/S.KARAN AND UDAY Advocate

For Respondent : MR.N.S.SUGANTHAN, Govt. Advocate (Crl. Side)

PETITION FOR BAIL 439 Cr.P.C.

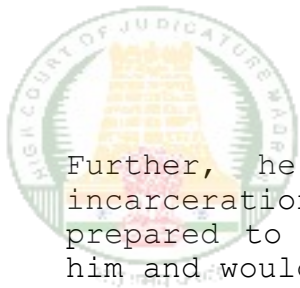
ORDER : The Court Made the following order :-

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 17.09.2021 for the offences under Sections 302 of IPC, in Crime No.490 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant is the brother of the deceased Kirubairaj. There was illicit intimacy between the said Kirubairaj and one Kalaimani/A2. Further, the said Kalaimani/A2 was also having illicit intimacy with the petitioner. Due to which, there was enmity between the said Kirubairaj and the petitioner. While so, on 17.09.2021, the petitioner called the Kirubairaj to settle the issue between them and at that time, there was a quarrel arose between them during which, the petitioner stabbed the Kirubairaj with knife and caused his death. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and the entire case is based on the circumstantial evidence and there is no eye witness to this case.



Further, he submitted that the petitioner has been suffering incarceration for more than 50 days from 17.09.2021 and he is prepared to abide by any stringent condition that may be imposed on him and would pray for grant of bail to the petitioner.

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4. The learned Government Advocate would raise objection stating that the investigation is still not completed.

5. Considering the nature of offence and the fact that the investigation at initial stage had not been completed, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

-sd/-

09/11/2021

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,
KITCHIPALAYAM POLICE STATION,
SALEM DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUPERINTENDENT,
CENTRAL JAIL, SALEM

CC to M/S.KARAN AND UDAY Advocate on payment of necessary charges

CRL OP.21023/2021

Date :09/11/2021

APN 18/11/2021