



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Sixth day of November Two Thousand Twenty One

PRESENT

The Hon`ble Mrs Justice T.V. THAMILSELVI

CRIMINAL ORIGINAL PETITION No.22041 of 2021

PRATHISH

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
VILIANUR POLCIE STATION,
PONDICHERRY DISTRICT
CRIME NO.95/2021

[RESPONDENT]

For Petitioner : M/S.K.KANNAN Advocate

For Respondent : MR.V.BALAMURUGANE, Additional Public Prosecutor
for Puducherry.

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 23.04.2021 for the offences under Sections 302, 201 IPC and 6 of POCSO Act 2019 read with 34 IPC, in Crime No.95 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that for the past three years, the accused was in love affair with the deceased and had sexual intercourse with her on several occasions. While so, few days before the occurrence, the accused came to know that the deceased loathed him and now she is in love with one Vicky. Hence, the accused planned to murder the deceased as such, he asked the deceased to come to his residence wherein they had sexual intercourse and thereafter, he took her to the graveyard of Poraiyur Pet wherein, he assaulted her with wooden log and beer bottle as a result, she died . Thereafter, he tied the corpse of the deceased in a white colour woven sack and thrown near the wall of the said graveyard. Hence, the complaint.



3.The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He would further submit that the charge sheet has been filed and the same has been taken on file in Spl.S.C.No.40 of 2021 and that the petitioner has been suffering incarceration for more than 215 days from 23.04.2021. Hence, he would pray for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor (Pondicherry) would raise strong objection stating that if the petitioner is released on bail there is every possibility of the petitioner getting abscond and thereby, the trial would be stalled.

5.On seeing the heinous nature of allegation levelled against the petitioner and considering the submission of the learned Additional Public Prosecutor (Pondicherry) that if the petitioner is released on bail there is every possibility of the petitioner getting abscond, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

-sd/-

26/11/2021

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,
VILIANUR POLCIE STATION,
PONDICHERRY DISTRICT

2 THE PUBLIC PROSECUTOR
PONDICHERRY.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PONDICHERRY.

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

CRL OP.22041/2021

Date :26/11/2021

RW 15/12/2021