



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 12/02/2021

PRESENT

WEB COPY

The Hon'ble Mr. Justice M.NIRMAL KUMAR

CRL OP(MD) . No.1289 of 2021

Ashok Kumar

... Petitioner/Accused No.3

Vs

The State Rep. by
The Sub Inspector of Police,
Manamadurai Police Station,
Crime No. 10 of 2021

... Respondent/Complainant

For Petitioner : Mr.Anbarasan.K, Advocate.

For Respondent : Mr.M.Chandrasekaran,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :- For Bail in Crime No.10 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

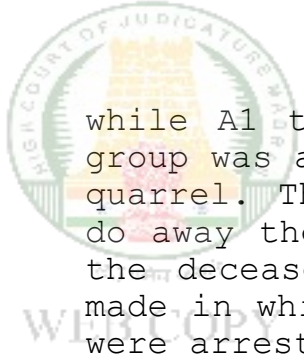
The petitioner/A3, who was arrested and remanded to judicial custody on 13.01.2021 for the offences punishable under Sections 341, 307, 302 of IPC @147,148,120(b), 341,307,302 of IPC on the file of the respondent police seeks bail.

2. The case of the prosecution is that due to previous enmity all the accused persons entered into criminal conspiracy and assaulted the deceased with deadly weapons due to which he sustained grievous injuries and later died and due to said assault his friend also sustained injuries. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner herein is arrayed as A3. His name does not found place in the First Information Report and on the confession of A7 he has been implicated. The deceased is a history sheeter and having 42 previous cases and several murder cases. There was some dispute between A1 and the deceased, the petitioner being a friend of A1, he has been falsely implicated in this case. The allegation against the petitioner is that her he conspired with other accused in the commission of offence and he was not present in the scene of occurrence, hence he seeks bail.

<https://hcservices.ecourts.gov.in/hcservices/>

4. The learned Additional Public Prosecutor would submit that this petitioner is a close friend of A1 and prior to the occurrence



while A1 to A3 were consuming alcohol at that time the deceased group was also having alcohol, during that time there was some wordy quarrel. Thereafter A1 along with the petitioner herein planned to do away the life of the deceased and an attempt was made, in which the deceased escaped. Thereafter on 09.01.2021 second attempt was made in which the deceased succumbed to injuries. A6, A7, A9 and 10 were arrested and A1 and A4 surrendered before the Court. He would also submit that the petitioner is having two previous cases and one case under Section 302 of IPC, hence he strongly opposed to grant bail to the petitioner.

5. It is seen that there are totally 10 accused in this case and the petitioner herein is arrayed as A8. It is seen that the petitioner was having surveillance over the place of occurrence and he is having one previous case under Section 302 of IPC. The offence committed by the petitioner is very heinous one and it is also very clear that the petitioner participated in the conspiracy, hence this Court is not inclined to grant bail to the petitioner at this stage.

6. In the result, the petition stands dismissed.

sd/-

12/02/2021

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/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
2. THE SUB INSPECTOR OF POLICE,
MANAMADURAI POLICE STATION,
MANAMADURAI.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER IN
CRL OP (MD) No.1289 of 2021
Date :12/02/2021