



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

Date : 16/02/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR
CRL OP(MD) . No.1534 of 2021

WEB COPY

Prakashraj @ Loose Prakash

... Petitioner/Accused No.5

Vs

The State rep by
The Inspector of Police,
Thiruppuvanam Police Station,
Sivagangai District
Cr No.546/2020.

.. Respondent/Complainant

For Petitioner : M/s.Balasubramanian.P.,
Advocate.

For Respondent : Mr.Chandrasekaran
Additional Publie Prosecutor

PRAYER :-

For a Bail in Crime No.546 of 2020 on the file of the
respondent police.

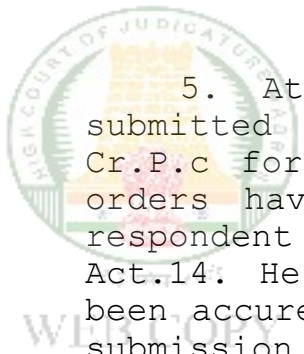
ORDER : The Court made the following order :-

The petitioner/A5, who was arrested and remanded to judicial custody on 18.10.2020 for the offences punishable under Sections 147,148,302 r/w. 120(b), 212 and 109 of IPC on the file of the respondent police seeks bail.

2. The case of the prosecution is that due to previous enmity the petitioner along with other accused entered into criminal conspiracy, assaulted the deceased with deadly weapons and caused his death.

3. The learned counsel for the petitioner would submit that the petitioner never committed any offence as alleged by the prosecution and he was not present in the scene of occurrence. He would also submit that only the confession of the co-accused he has been arrayed as accused, hence he seeks bail.

4. The learned Government Advocate(Crl.Side) would submit that the petitioner not only brought the deceased to the scene of occurrence he also attacked the deceased. A1 to A4 in this case were granted bail by the learned Principal District and Sessions Judge and so far they have not produced any sureties and are still in judicial custody. In this case A10 was granted bail by this Court on the ground that he was standing on a different footing than the other accused. He would further submit that investigation in this case is completed and case is committed to the Court of Sessions.



5. At this stage the learned counsel for the petitioner submitted that he has filed a petition under Section 167(2) of Cr.P.c for statutory bail before the concerned Magistrate and no orders have been passed so far based on the submission of the respondent that there was a proposal to detain the petitioner under Act.14. He further submitted that the indefeasible right that has been accrued to the petitioner which has been thwarted by the false submission of the prosecution.

6. The learned counsel for the petitioner is to agitate with regard to the right of statutory bail by way of revision challenging the order of the Magistrate if passed or not.

7. At this juncture the learned counsel for the petitioner seeks permission of this Court to withdraw the petition and he has also made an endorsement to that effect.

8. In view of the same, this Criminal Original Petition is dismissed as withdrawn.

sd/-
16.02.2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

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 Inspector of Police,
Thiruppuvanam Police Station,
Sivagangai District.
2. The Superintendent, Central Prison,
Madurai.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER
IN
CRL OP(MD) No.1534 of 2021
Date : 16/02/2021