



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.1526 of 2021

Prakashraj @ Loose Prakash

... Petitioner/Accused No.5

The State rep by
Inspector of Police,
Thiruppuvanam Police Station,
Sivagangai District
Cr No.547/2020.

... Respondent/Complainant

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

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

PRAYER :-

For a Bail in Crime No.547 of 2020 on the file of the
respondent police.

ORDER : The Court made the following order :-

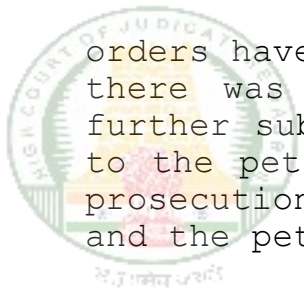
The petitioner/A5, who was arrested and remanded to judicial
custody on 18.10.2020 for the offences punishable under Sections
147,148,294(b), 341,302 and 506(ii) of IPC on the file of the
respondent police seeks bail.

2. The case of the prosecution is that the petitioner along
with other accused had murdered the deceased in the main road.

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 the petitioner is in jail for more than 100 days, hence
he may be granted bail.

4. The learned Government Advocate(Crl.Side) would submit that
the petitioner along with other accused had murdered the deceased in
the main road 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, Since the respondent submitted 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 has been thwarted by the false submission of the prosecution. Later after statutory period, now charge sheet filed and the petitioner is denied of his statutory right for bail.

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

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/ /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.1526 of 2021

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