



WEB COPY

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

Date : 30/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.4850 of 2021

Manojkumar @ Arunkumar

... Petitioner/Accused No.3

Vs

The State rep.by
The Inspector of Police,
Annavasal Police Station,
Pudukkottai District.
(Crime No.99/2021).

... Respondent/Complainant

For Petitioner : Mr.S.Thalaimutharasu,
Advocate.

For Respondent : Mr.R.Srinivasan,
Government Advocate (Crl.Side)

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

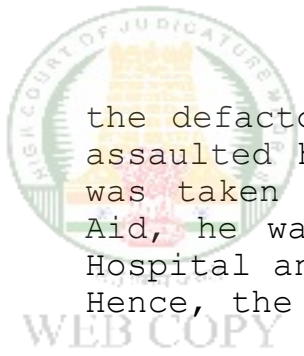
PRAYER :-

For Bail in Crime No.99 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 26.02.2021 for the offence punishable under Section 302 of IPC, in Crime No.99 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 25.02.2021, the defacto complainant and her brother went to Bazaar, at that time, A1 wantonly touched the defacto complainant. When the same was questioned by her brother, there was a wordy quarrel arose between them. On the same day, at about 09.00 p.m the petitioner and other accused persons went to the defacto complainant's house and abused



the defacto complainant's brother by using filthy language and also assaulted him with wooden log on his head and leg. Immediately, he was taken to Annavasal Government Hospital and after giving First Aid, he was brought to the Pudukkottai Government Medical College Hospital and the Doctor informed that the deceased was brought dead. Hence, the present complaint.

3. Heard the learned counsel appearing for the petitioners and learned Government Advocate (Crl. Side) appearing for the respondent Police.

4. The learned counsel appearing for the petitioner submitted that A1 and A2 are the main accused in this case. He further submitted that A1 and A2 are detained under Goondas Act and both are history sheeter. He further submitted that the petitioner is a student of Mother Terasa Polytechnic College and he is having arrears examination and to be attended. He further submitted that the petitioner is not having any bad antecedent. Hence, he seeks bail to the petitioner.

5. The learned Government Advocate (Crl. Side) appearing for the respondent Police submitted that totally there are nine accused in this case, in which, the petitioner has been arrayed as A3. He further submitted that A1 and A2 are detained under Goondas Act. He further submitted that the investigation is at initial stage and hence, he opposed for grant of bail to the petitioner.

6. On perusal of the materials available on records, it is seen that the petitioner along with other accused had assaulted one Arumugam, who is the younger brother of the defacto complainant, aged about 19 years only. On 25.02.2021 the defacto complainant along with her brother went to festival, at that time, A1 had wantonly touched her, which was questioned by her brother/deceased herein. On the same day, at about 09.00 p.m, A1 in this case along with his friends had joined together went to the house of the deceased and assaulted the deceased with wooden log on his head and leg. Thereafter, the deceased was taken to the hospital and thereafter, referred to Pudukkottai. In Pudukkottai hospital, the Doctor informed that the deceased was brought dead. It is also seen that the deceased has only questioned about the ill-treated and humiliation given to his sister. According to the defacto complainant, the accused person murdered her brother for guarding her.

7. In view of the same, this Court is not inclined to grant bail to the petitioner.

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



9. In view of the same, this Criminal Original Petition stands dismissed as withdrawn.

sd/-
30/03/2021

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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 OFFICER INCHARGE,
SUB JAIL, PUDUKKOTTAI.
2. THE INSPECTOR OF POLICE,
ANNAVASAL POLICE STATION,
PUDUKKOTTAI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.4850 of 2021
Date : 30/03/2021

vsg
AE/JC/ (07/04/2021) 3P / 4C