



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 21/04/2021

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PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.5218 of 2021

Muthu Babu @ Muthu

... Petitioner/Accused No.9

Vs

State rep by  
The Inspector of Police,  
Manur Police Station,  
Tirunelveli District.  
In Crime No.86 of 2021.

... Respondent/Complainant

For Petitioner : Mr.Jothi Basu.M.,  
Advocate.

For Respondent : Mr.K.Dinesh Babu,  
Additional Public Prosecutor

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

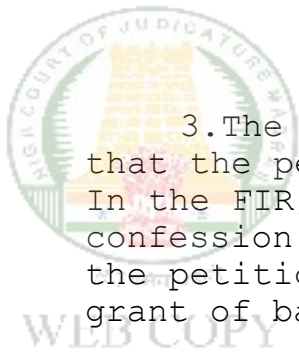
PRAYER :-

For Bail in Crime No.86 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A9, who was arrested and remanded to judicial custody on 14.02.2021 for the offences punishable under Sections 120 (B), 147, 148 and 302 of IPC, in Crime No.86 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant is none other than elder brother of the deceased Ajith. On 13.02.2021 at about 09.00 a.m, when the defacto complainant was searching his brother deceased Ajith near Tirunelveli towards manoor Road, at Nariyuth bus stop, at that time, a car bearing registration No.TN 60 P3456, which was used for threatening the defacto complainant, travelled towards western side of the Nariyuth and the car was stopped and the accused person thrown the deceased Ajith from car dickey near Abishekapatti. The defacto complainant rushed to the spot and found that the deceased sustained injury on his head and leg. Therefore, the complaint was given and this case in Crime No.86 of 2021 was registered.



3.The learned counsel appearing for the petitioner submitted that the petitioner is no way connected with the alleged occurrence. In the FIR, the petitioner has been falsely implicated, based on the confession statement of the co-accused. He further submitted that the petitioner is in jail for the past 65 days. Hence, he prayed for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent Police submitted that there is a evidence available to implicate the petitioner in this case. He further submitted that the investigation in this case is at preliminary stage. He further submitted that totally there are 12 accused identified so far, out of which, six accused have been arrested and remanded to judicial custody and other six accused are still absconding. Hence, he strongly opposed this petition.

5.Taking into consideration the facts and circumstances of the case and also taking note of the fact that the investigation in this case is at preliminary stage and also the fact that totally there are 12 accused identified so far, out of which, six accused have been arrested and remanded to judicial custody and other six accused are still absconding, this Court is not inclined to grant bail to the petitioner at this stage.

6.Accordingly, this Criminal Original Petition stands dismissed.

sd/-  
21.04.2021

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

vsg

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,  
Manur Police Station,  
Tirunelveli 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.5218 of 2021

Date : 21/04/2021

VB VR SAR I(17/05/2021) 3P / 4c