



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Seventh day of January Two Thousand Twenty Two

PRESENT

The Hon`ble Mrs Justice T.V. THAMILSELVI

CRIMINAL ORIGINAL PETITION No.1682 of 2022

FRANKLIN @ ROSARIO FRANKLIN

[PETITIONER / ACCUSED]

Vs

THE STATE REP.BY ITS
THE INSPECTOR OF POLICE,
ELAVANASURKOTTAI POLICE STATION,
KALLAKURICHI DISTRICT.
CRIME NO.454/2021.

[RESPONDENT]

For Petitioner : M/S.S.SARAVANAKUMAR Advocate

For Respondent : MR. A.GOKULAKRISHNAN, Additional Public Prosecutor

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner who was arrested and remanded to judicial custody on 05.01.2022 for the offences under Sections 147, 148, 294(b), 324, 506(ii) and 307 of IPC, in Crime No.454 of 2021, on the file of the respondent police seeks bail.

2. The case of the prosecution is that there was a dispute between the defacto complainant and 1st accused in respect of common pathway. While so, the petitioner along with other accused attacked the defacto complainant's brother with Thadi, knife and iron rod due to which, he sustained grievous injuries. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Already there was a case and case in counter and the petitioner has been suffering incarceration for more than 25 days from 05.01.2022. Hence, he would pray for grant of bail to the petitioner.



4.The learned Additional Public Prosecutor would raise strong objection stating that the petitioner has got two previous cases and that the petitioner had earlier executed a bond under Section 110 Cr.P.C. for maintaining good behaviour before the RDO. But he violated the conditions imposed on the bond and hence, proceedings under Section 110 Cr.P.C. has been initiated against the petitioner.

5.On seeing the nature of offence and antecedents of the petitioner and the fact that the proceedings under Section 110 Cr.P.C. has been initiated against the petitioner and there is possibility of the petitioner getting abscond and tampering the evidence, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

-sd/-

27/01/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE INSPECTOR OF POLICE,
ELAVANASURKOTTAI POLICE STATION,
KALLAKURICHI DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.S.SARAVANAKUMAR Advocate on payment of necessary charges

CRL OP.1682/2022

Date :27/01/2022

RW 04/02/2022