



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Eighth day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL ORIGINAL PETITION No.2793 of 2022

ABDUL RAZZAK

[PETITIONER / ACCUSED]

Vs

STATE REP BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
VELLORE NORTH L & O POLICE STATION,
VELLORE.
CRIME NO.11/2022

For Petitioner : M/S.C.S.SARAVANAN Advocate

For Respondent : Mrs.G.V.KASTHURI, 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 04.01.2022 for the offence under Section 174 Cr.P.C. @ 294(b), 323, 363, 302 IPC, in Crime No.11 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to previous enmity, A1 with the help of A2 and the petitioner/A3 kidnapped the deceased and attacked on the neck of the deceased and also strangled the neck resulting in the death of the deceased due to suffocation. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. However, the petitioner is ready to abide any condition imposed by this Court. He would further submit that the petitioner has been in judicial custody from 04.01.2022 onwards. Hence, he would pray for grant of bail to the petitioner.



4. The learned Additional Public Prosecutor appearing for the respondent police would submit that during the time of occurrence, due to the telephonic conversation happened between the mother of the first accused and the deceased, the first accused became grudge and planned to murder the deceased. Afterwards, the first accused in this case with the help of the petitioner and other one accused, kidnapped the deceased and attacked strongly on the neck, strangled the neck resulted in the death of the deceased due to suffocation. Accordingly, the learned Government Advocate strongly opposed for allowing this petition.

5. The submissions made by the learned Counsel on either side are considered.

6. The history of the case projected by the learned Additional Public Prosecutor shows that due to previous enmity, after making conspiracy, all the accused joined together and after kidnapping the deceased, committed this offence. Though the petitioner is in judicial custody from 04.01.2022, considering the gravity of offence committed by the petitioner and other, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

-sd/-

08/02/2022

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 SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

2 THE INSPECTOR OF POLICE,
VELLORE NORTH L & O POLICE STATION,
VELLORE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.2793/2022

Date :08/02/2022

RW 14/02/2022