



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Sixteenth day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL ORIGINAL PETITION No.3744 of 2022

1 TAMIL ANBAN
2 THANGAVEL
3 KUMARESAN

[PETITIONERS / ACCUSED]

Vs

STATE REP. BY
THE SUB INSPECTOR OF POLICE
MALLUR POLICE STATION,
SALEM DISTRICT.
(CRIME NO.460 OF 2021)

[RESPONDENT]

For Petitioners : M/S. S.SENGKODI Advocate

For Respondent : M/S.G.V.KASTHURI, Additional public Prosecutor

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who were arrested and remanded to judicial custody on 20.12.2021 for the offences punishable under Sections 147, 148, 302, 307, 323, 324 of IPC and subsequently altered into Sections 147, 148, 302, 307, 323, 324, 120(b) of IPC in Crime No.460 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to previous enmity between the accused group and the de facto complainant's group regarding the murder of one Dhilipkumar, on 17.12.2021, at about 9.00p.m., the petitioners along with other accused stabbed the de facto complainant with knife and also attacked him with stones. Due to such assault, the de facto complainant sustained grievous injuries and he was admitted in the hospital and subsequently, he died. Hence, the complaint.



3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. She would further submit that in the First Information Report prepared by the respondent police, the names of the petitioners are not found place. It is her further submission that the petitioners are in judicial custody from 20.12.2021 onwards. Hence, she prays for bail.

4. The learned Additional Public Prosecution appearing for the respondent police raised objection stating that investigation is pending. She would further submit that in the alleged occurrence, in order to take vengeance for the murder of petitioners' friend, the petitioners and other 22 persons joined together and committed the offence in daylight. According to her, if these petitioners are released on bail, the other group, who are the friends of the deceased may try to kill these petitioners.

5. Considered the submissions made by the learned counsel appearing on either side. Though the names of the petitioners are not found place in the First Information Report, the averments found in the said document would disclose the fact that the present offence is nothing but a retaliated murder. As of now, all the accused are still in custody and none released on bail.

6. Therefore, considering the gravity of offence committed by the petitioners as well as considering the facts and circumstances of the case, this Court is not inclined to grant bail to these petitioners. Accordingly, this Criminal Original Petition is dismissed.

-sd/-
16/02/2022

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 SUB INSPECTOR OF POLICE
MALLUR POLICE STATION, SALEM DISTRICT.

2 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.



3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

WEB COPY

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

CRL OP.3744/2022

Date :16/02/2022

JPA 23/02/2022