



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Seventeenth day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL ORIGINAL PETITION No.3904 of 2022

GOWTHAMAN @ GOWTHAM

[PETITIONER / ACCUSED]

Vs

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

[RESPONDENT]

For Petitioner : M/S.S.SENGKODI Advocate

For Respondent : MS.G.V.KASTHURI Additional Public Prosecutor

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/A-2, who was 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 petitioner 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 petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. She would further submit that the petitioner is a student studying B.Sc. III year at Sri Vidya Mandir



Arts and Science College, Salem. It is her further submission that the petitioner is 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 petitioner's friend, the petitioner and other 22 persons joined together and committed the offence in daylight. According to her, if this petitioner is released on bail, he may try to tamper the witness and hamper the investigation.

5. Considered the submissions made by the learned counsel appearing on either side. The respondent police registered a case as against the petitioner 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. Now on going through the averments found in the First Information Report, it would appear that during the time of occurrence, the petitioner also actively participated and assaulted the deceased with stones. The other averments found in the First Information Report would disclose the fact that the petitioner mentioned occurrence had happened in order to take vengeance for the murder committed by the deceased.

6. Therefore, taking into consideration of the gravity of offence committed by the petitioner, this Court came to the conclusion that if this type of petitioner is released on bail, he may try to tamper the witness and hamper the investigation. Hence, this Criminal Original Petition is dismissed.

-sd/-

17/02/2022

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.

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

CRL OP.3904/2022

Date :17/02/2022

CSK 23/02/2022