



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Cr1.O.P. No.5198 of 2022

Gowthaman @ Gowtham

... Petitioner / A2

versus

State rep. by
The Sub-Inspector of Police
Mallur Police Station,
Salem District.
(Crime No:460 of 2021)

... Respondent /Complainant

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C., praying to enlarge the petitioner on bail pending investigation in Crime No.460 of 2021 on the file of the respondent police.

For Petitioner : M/s.S.Sengkodi

For Respondent : Mr.Leonard Arul Joseph Selvam,
Government Advocate(crl.side)

O R D E R

The petitioner, 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 and 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, the petitioner along with other accused attacked the de facto complainant by using knife. Hence, the complaint.

3. The learned counsel 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 in judicial custody from 20.12.2021 onwards. Hence, she prays for bail to the petitioner.



4. The learned Government Advocate (crl.side) appearing for the respondent police raised objection stating that investigation is pending. Hence, he opposed for grant of bail to the petitioner.

5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate(crl.side) appearing for the respondent police.

6. It was his specific submission made by the learned Government Advocate (crl.side) appearing for the respondent police that if this petitioner was released on bail, there was a chance for another one murder and now the persons who are all suffered in the alleged incident, are planned to murder this petitioner. Further on go through the averments found in the first information report , there was a specific overt act against this petitioner as he directly involved in the alleged offence. Hence, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, this criminal original petition is dismissed.

-sd/-

07/03/2022

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, SALEM

2 THE SUB INSPECTOR OF POLICE
MALLUR POLICE STATION
SALEM DISTRICT

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.5198/2022

Date :07/03/2022

RVR 21/03/2022