



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Fifth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice P. VELMURUGAN

CRIMINAL ORIGINAL PETITION No.10603 of 2022

PRABHU @ PRABHURAJ

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
B3, KANCHI TALUK POLICE STATION,
KANCHIPURAM DISTRICT.
(CRIME NO.172 OF 2022)

[RESPONDENT]

For Petitioner : M/S.M.MAHENDRAN 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 petitioner/A2 was arrested and remanded to judicial custody on 22.02.2022 for the alleged offence punishable under Section 174 Cr.P.C later altered into Sections 147, 148, 294(b), 342 and 302 IPC in Crime No.172 of 2022 on the file of the respondent/police, seeks bail.

2.The case of the prosecution is that the petitioner along with other accused/A1 to A5 went to the house of the victim and brutally attacked the victim with wooden logs and caused death of the victim and also they tested the victim by firing a cigarette on his foot to identify as to whether the deceased died or not.

3.The learned counsel for the petitioner would submit that the petitioner is a student and he has been falsely implicated in this case, the co-accused/A3 has been released on bail and there is no previous case pending against the petitioner. He would further submit that the petitioner is in incarceration from 22.02.2022 and hence, he prays to grant bail to the petitioner.



4. The learned Additional Public Prosecutor appearing for the respondent would submit that totally five accused are involved in the said offence wherein the petitioner has been arrayed as A2. At the time of occurrence, the victim was in drunken mood, the petitioner and other accused went to the house of victim and assaulted the deceased with wooden logs and caused death of the victim. She would further submit that the investigation has been completed and charge sheet was taken on file in P.R.C.No.4 of 2022. There is a specific overtact attributed as against the petitioner and hence, she objects to grant bail to the petitioner.

5. Heard both sides.

6. Admittedly, the petitioner along with other accused/A1 to A5 were involved in the offence punishable under Sections 147, 148, 294 (b), 342 and 302 IPC which are serious in nature. The petitioner and other accused/A1, A2, A4 and A5 have filed CrI.M.P.Nos.474 & 496 of 2022 before the learned District and Sessions Court No.II, Kancheepuram and the same was dismissed on 27.04.2022 and hence, the petitioner is before this Court seeking bail.

7. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel on either side, this Court is of the view that the offence committed by the petitioner is serious in nature and there is a specific overtact as against the petitioner and if the petitioner is enlarged on bail, there is a possibility of tampering the evidence and also protract the trial. Hence, this is not a fit case to grant bail to the petitioner.

Accordingly, this Criminal Original Petition is dismissed.

-sd/-
05/05/2022

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 JUDICIAL MAGISTRATE,
NO.II, KANCHIPURAM



2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
B3, KANCHI TALUK POLICE STATION,
KANCHIPURAM DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.M.MAHENDRAN Advocate on payment of necessary charges
SR.NO.6734

CRL OP.10603/2022

Date :05/05/2022

JPA 06/05/2022