



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Sixth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION Nos.11560 & 12303 of 2022

D.SELVAMANI

[PETITIONER / ACCUSED
IN CRL.OP.NO.11560/2022]

E.KESAVAN

[PETITIONER / ACCUSED
IN CRL.OP.NO.12303/2022]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
D-2-ANNA SALAI POLICE STATION,
CHENNAI.
(CRIME NO.111/2022)

[RESPONDENT/COMPLAINANT
IN BOTH PETITIONS]

For Petitioner : M/S.D.PRASANNA KUMAR Advocate
[IN CRL.OP.NO.11560/2022]

: M/S.V.PURUSHOTHAMAN REDDY Advocate
[IN CRL.OP.NO.12303/2022]

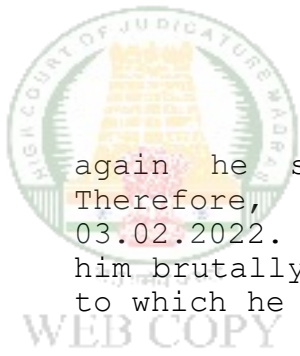
For Respondent : MR.A.DAMODARAN, Additional Public Prosecutor
[IN BOTH PETITIONS]

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners/A3 & 4 who were arrested and remanded to judicial custody on 03.05.2022 for the offences punishable under Sections 147, 148 and 302 of IPC in crime No.111 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the deceased got admitted in a de-addiction centre i.e. Madras Care Centre for rehabilitation making to quit the alcoholic habit. After completion of his treatment, he was discharged from the rehabilitation centre. Later,



again he started to consume alcohol and addicted to alcohol. Therefore, he was again admitted into rehabilitation centre on 03.02.2022. On his subsequent admission, the accused persons attacked him brutally and caused him grievous injuries on his entire body, due to which he died on 02.05.2022.

3. The learned counsel for the petitioners would submit that the petitioners are arrayed as A3 and A4 and they were also admitted for their alcoholic addiction. Therefore, they have no intention to do away the deceased. They also have no specific overt act even according to the case of the prosecution. They were arrested and remanded to judicial custody on 03.05.2022. Hence, he prays for grant of bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that there are totally 10 accused, in which the petitioners are arrayed as A3 and A4. They along with other accused persons, due to previous enmity, attacked the deceased with sticks and other deadly weapon and caused grievous injuries on the deceased, due to which he died on the said day i.e. on 02.05.2022. Further, the investigation is still pending and the petitioners were arrested only on 03.05.2022.

5. On perusal of the post mortem report, revealed that the deceased sustained 42 injuries. On seeing the injuries sustained by the deceased revealed that all the accused persons brutally attacked the deceased on his all over body and as such he sustained grievous injuries. On perusal of the photographs of the deceased produced by the learned Additional Public Prosecutor also revealed the same. That apart, investigation is still pending and the petitioners were arrested only on 03.05.2022. Even assuming that the petitioners are patients in the rehabilitation centre which is run by the first accused, due to previous enmity between the first accused and the deceased with regards to complaining actually what happened in the rehabilitation centre to other general public, all the accused persons, with common intention, attacked and murdered the deceased.

6. In view of the above, this Court is not inclined to grant bail to the petitioners. Accordingly, both the criminal original petitions are dismissed.

-sd/-

06/06/2022

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.



1 THE INSPECTOR OF POLICE,
D-2 ANNA SALAI POLICE STATION
CHENNAI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.D.PRASANNA KUMAR Advocate on payment of necessary
charges

CC to M/S.V.PURUSHOTHAMAN REDDY Advocate on payment of necessary
charges

CRL.OP.NOs.11560&12303/2022

Date :06/06/2022

CSK 09/06/2022