



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Fourth day of July Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.15386 of 2022

1 RAMU

[PETITIONERS / ACCUSED]

2 RAJENDIRAN

Vs

THE STATE REP BY ITS
INSPECTOR OF POLICE,
VARANJAM POLICE STATION,
KALLAKURICHI DISTRICT.
CRIME NO.53 OF 2022.

[RESPONDENT]

For Petitioner : M/S.S.SARAVANAKUMAR Advocate

For Respondent : M/S.A.DAMODARAN, 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 26.05.2022 for the offences punishable under Sections 147, 148, 296(b), 427, 449, 341, 302 of IPC in crime No.53 of 2022 on the file of the respondent police, seek bail.

2. It is the case of the prosecution that on 26.05.2020 at about 7.30 p.m., the deceased parked his Tata Ace vehicle bearing registration No.TN16 B 1272 in front of his shop, at that time A1 came in his two wheeler and dashed against the deceased's vehicle and when the same was questioned by the deceased, there was a wordy quarrel arose between them. On the said day at about 8.00 p.m., again the petitioner along with other accused persons trespassed the defacto complainant's home, abused in filthy language and dragged on the deceased. Thereafter, A1 attacked the deceased with knife on his right thigh and A2 to A5 indiscriminately attacked the deceased by kicking his chest, by which he fainted, pursuant to which he was taken to Government Hospital, Kallakurichi and there, the doctor declared him dead. Hence, the case.



3. The learned counsel for the petitioners would submit that there is no specific overt act against the second petitioner except that he assaulted the deceased with sticks.

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4. The learned Additional Public Prosecutor submitted that due previous enmity, on the date of occurrence, the petitioners along with other accused persons waylaid the defacto complainant and attacked with wooden log on head. He would further submit that the first petitioner was already detained under Goondas Act. Insofar as the second petitioner, he attacked the deceased with knife. As such, he has specific overt act. Hence, he vehemently opposed to grant bail to the second petitioner.

5. It is seen that the first petitioner was already detained under Goondas Act. Insofar as second petitioner, he attacked with knife and he has specific overt act. Further, the second petitioner was arrested only on 26.05.2022. Therefore, this court is not inclined to grant bail to the second petitioner.

6. Accordingly, the criminal original petition is dismissed.

-sd/-

04/07/2022

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, CUDDALORE.

2 INSPECTOR OF POLICE,
VARANJAM POLICE STATION,
KALLAKURICHI DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.15386/2022

Date :04/07/2022

RW-07/07/2022