



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08.02.2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.1422 of 2022

Chandran

... Petitioner/Accused No.1

Vs

The State represented by
The Inspector of Police,
Kenikarai Police Station,
Ramanathapuram District.
(Crime No.289 of 2018)

... Respondent/ Complainant

For Petitioner : Mr.D.Rameshkumar,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

PETITION FOR BAIL Under Section 439 of Cr.P.C.

PRAYER :-For Bail in Crime No.289 of 2018 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A.1, who was arrested and remanded to judicial custody on 29.11.2021 for the offences punishable under Sections 120B, 147, 148, 149 and 302 IPC and Section 5 of Explosive Substances Act, 1908, in Crime No.289 of 2018, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to previous enmity between the accused and the deceased Karthik and Vicky @ Vignesh, all the accused unlawfully assembled and way laid the deceased and attacked them with sword, knife and sickle and also thrown country bombs upon them, thereby, they died on the spot. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent person and he has not committed any offence as alleged by the prosecution.



4.The learned Additional Public Prosecutor would submit that the petitioner remained absconding for more than two years.

5.Though the FIR was registered in the year 2018, after completing the investigation, charge sheet was laid only on 21.12.2020.

6.It is not in dispute that the first accused was arrested only on 29.11.2021, as he was in abroad. Since the prosecution has deleted some of the accused, the learned Magistrate has issued notice to the defacto complainant and the same is pending.

7.Considering the above facts and circumstances and also the fact that the petitioner remained absconding for more than two years and was only arrested on 29.11.2021, this Court is not inclined to grant bail to the petitioner at this point of time.

8.In the result, this Criminal Original Petition is dismissed.

sd/-
08/02/2022

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE INSPECTOR OF POLICE
KENIKARAI POLICE STATION, RAMANATHAPURAM DISTRICT
- 2 THE OFFICER INCHARGE,
DISTRICT PRISON, RAMANATHAPURAM.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.1422 of 2022
Date :08/02/2022

CSM
MK/SBN/SAR.I/11.02.2022/2P/4C