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Crl.O.P.No.638 of 2023

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T.V.THAMILSELVI, J.

The petitioner, who was arrested and remanded to judicial custody on 20.10.2022 for the alleged offence under Section 302 I.P.C. in Crime No.298 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 18.10.2022 at about 10.00 p.m., due to previous enmity, the petitioner along with other accused brutally attacked the deceased using deadly weapons, thereby, victim sustained multiple grievous injuries all over his body and died on the spot. Hence, the complaint.

3. The learned counsel for the petitioner submitted that he has not participated in the offence and there is no specific overtact attributed against the petitioner and he has not at all committed any offence as alleged by the respondent police. He would submit that he is no way connected with the occurrence. He would further submit that the investigation is almost completed and that the petitioner has been



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suffering incarceration for more than 81 days from 20.10.2022. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that totally, there are 10 accused and the petitioner is arrayed as A9 and now A6 was detained under Goondas Act. He would submit that on the date of occurrence, due to previous enmity, the petitioner along with other accused have assaulted the deceased with deadly weapons, thereby, deceased sustained grievous injuries and died on the spot. He would submit that he is having one previous case under Sec.324 of I.P.C. pending against him and he has also participated in the offence and it is a pre-planned murder. He would also submit that if he is released on bail, he would tamper the witnesses and hamper the investigation and the investigation is at the preliminary stage. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the above facts and circumstances, and also



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considering the fact that one previous case under Sec.324 of I.P.C. is pending against the petitioner and it is pre-planned murder and considering the fact that the investigation is in preliminary stage and if he is released on bail, there is possibility of tampering witnesses and hampering investigation, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

30.01.2023

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T.V. THAMILSELVI, J.



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