



Crl.O.P.No. 1898 of 2023

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T.V.THAMILSELVI, J.

The petitioner, who was arrested and remanded to judicial custody on 23.08.2022 for the alleged offence under Sections 294(b), 353, 307, 120(b) of I.P.C. r/w 25(1)(a), 27(2) of Arms Act in Crime No.87 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 23.03.2022 when the defacto complainant and his team were on their usual rounds, they found the accused in a suspicious circumstances and when they attempted to apprehend the accused, they attempted to attack him with knife and fortunately, he escaped from the attack and apprehend the accused and brought him to the respondent police station. Hence, the complaint.

3. The learned counsel for the petitioner submitted that this is the third petition seeking for bail and the previous petition was dismissed on considering the previous antecedents of petitioner. He would also submit



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that He would submit that there is no specific overtact attributed against the petitioner and he is an innocent person and he has not at all committed any offence as alleged by the respondent police. He would submit that he has been falsely implicated by the respondent police in order to keep him in continuous detention and they have also detained him under Act, 14, but the same was also revoked before the advisory board itself vide order dated 20.06.2022 in G.O. RT. No.3716. He would submit that he is no way connected with the occurrence and he will abide by any condition that may be imposed by this court. He would further submit that the investigation is almost completed and that the petitioner has been suffering incarceration for more than 6 months from 23.08.2022. 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 6 previous cases pending against him including two cases under Sec.302 of I.P.C. He would submit that out of 5 witnesses, two witnesses were examined and the co-accused was released on bail. One of the case is part-heard and another case was



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pending trial. He has relied upon the judgment of Supreme Court of India ***Crl.Appeal No. 253 of 2020*** in the case of ***Prabhakar Tewari vs. State of U.P. And another***. He would submit that if he is released on bail, he would tamper the witnesses and hamper the investigation and the investigation is not yet completed. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the facts and circumstances of the case and the submissions made by both counsel and also considering gravity of offence committed by the petitioner, six previous cases including two cases under Sec.302 I.P.C. pending against him and now out of 5 witnesses, 3 witnesses are examined, one case is in part-heard stage and in another case, trial is pending, and also considering the fact that if he is released on bail, the trial would be stalled and there is possibility of tampering the witnesses and hampering the investigation, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

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