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CrI.O.P.No. 3588 of 2023

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T.V.THAMILSELVI, J.

The petitioner, who was arrested and remanded to judicial custody on 14.12.2022 for the alleged offence under Sections 147, 148, 341 and 302 r/w 109 of I.P.C. in Crime No.194 of 2022 on the file of the respondent police, seeks bail.

2. The case of prosecution is that as the deceased succeeded the property as per the court order, there was a land dispute between the deceased and the petitioner, thereby on the date of alleged occurrence, the petitioner along with other accused waylaid him, scolded him and also stabbed him with knife, resulting in which, the deceased sustained injuries and died. Hence, the complaint was registered against the petitioner.

3. The learned counsel appearing for petitioner submitted that so far as this petitioner is concerned, as the defacto complainant's brother was



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defeated in the local body election, to wreck vengeance and being a brother of co-accused, he was roped into the case. He would submit that there is no specific overtact against this petitioner and he is an innocent person and he is no way connected with the offence and he has not committed any of offence as alleged by the respondent police. He would also submit that he has been falsely implicated in this case and he will abide by any condition that may be imposed by this court. He would also submit that the petitioner has been suffering incarceration from 14.12.2022 and this is the second petition seeking for bail. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (CrI. Side) appearing for respondent would submit that totally there are 7 accused involved in this case and the petitioner is arrayed as A6 and A1 and A7 are still absconding. He would submit that the deceased was stabbed with knife, thereby, the petitioner along with other accused committed murder as if the deceased is in possession of the property as per the court order. He would also submit that if he is released on bail, he would hamper the investigation and tamper the witnesses and the investigation is not yet completed and it is in



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preliminary stage. However, he would 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 considering the gravity of offence committed by the petitioner, and also considering the fact that as the deceased was in possession of property as per the court order, the petitioner along with other accused attacked him and also stabbed the deceased with knife, thereby the alleged murder was happened and the fact that A1 and A7 are still absconding and considering the fact that there is possibility of tampering the witnesses and hampering the investigation and there is no change of circumstances, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

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