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CrI.O.P.No. 3599 of 2023

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T.V.THAMILSELVI, J.

The petitioner, who was arrested and remanded to judicial custody on 09.12.2022 for the alleged offence under Sections 147, 148, 341, 307, 302 of I.P.C. in Crime No.371 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 08.12.2022 while the defacto complainant and the deceased were travelling in a motorcycle at 11.30 hrs., and they were passing near the entrance of Appa Tea Stall at the premises of Abirami Amman Ground, the petitioner along with other accused put a towel around the neck of deceased Sivapandi and dragged him towards the floor. All the three fell down along with motorcycle and at that time, other accused nearby at the spot assaulted deceased on his head, thereby he sustained serious injuries, as a result of which, he succumbed to injuries. When they attacked defacto complainant with aruval, he sustained



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a wound on his left forearm and thereafter they escaped from the scene of occurrence. Hence, the complaint lodged against the petitioner.

3. The learned counsel for the petitioner submitted that his name is not found in the F.I.R. and 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 merely the two wheeler of the petitioner was used by one of named accused, he was falsely roped as accused in this case. He would submit that he is nothing to do with the instant case and he is not even present in the scene of occurrence. He would submit that 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 from 09.12.2022 and this is the second petition seeking for bail. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that totally, there are 14 accused involved in this case and the petitioner is arrayed as A10 and there are 3 previous cases pending against him. He would submit that there was a dispute between



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two gangsters, and in retaliation, once they come out on bail, again they would commit the offence and some of the accused are still absconding. He would also 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 by attacking the deceased on his head, thereby he succumbed to death and on considering the bad antecedents of the petitioner having three previous cases pending against him and some of the accused are still absconding and now if he is released on bail, he may abscond and 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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