



CrI.O.P.No. 3940 of 2023

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T.V.THAMILSELVI, J.

The petitioner, who was arrested and remanded to judicial custody on 11.04.2022 for the alleged offence under Sections 341, 342, 294(b), 302 r/w 34 of I.P.C. in Crime No.236 of 2022 on the file of the respondent police, pending trial in S.C.No. 203 of 2022, on the file of XXII Addl. Judge, City Civil Court, Chennai seeks bail.

2. The case of the prosecution is that on 10.04.2022 during night hours, due to previous enmity, when the defacto complainant and others were sleeping, the petitioner along with other accused said to have went to their house and assaulted grandson of defacto complainant with hands and stone on his head, thereby he sustained serious injuries on the head and died. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner was detained under Goondas Act on 19.05.2022 and thereafter he



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approached this court to quash the detention order, which was quashed by this court on 19.05.2022 in H.C.P. No. 1812 of 2022. He would also submit that after completion of investigation, the respondent police filed a final report before the learned XXII Addl. Judge, City Civil Court, Chennai and the same was taken on file in S.C.No.203 of 2022. He would submit that co-accused/A1 was granted bail by the trial court and he is also having 8 previous cases. He would submit that there is no specific overtact attributed against the petitioner and his name is not mentioned in the F.I.R. He would submit that 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 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 from 11.04.2022. 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 16 previous cases similar in



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nature pending against him. He would submit that while the defacto complainant was sleeping during night hours, this petitioner along with other accused intercepted into their house and attacked their grandson with hands and stone on his head thereby he succumbed to injuries. 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 and also the fact of previous bad antecedents of the petitioner having 16 previous cases and if he is released on bail, he may abscond 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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