



Crl.O.P.No. 5538 of 2023

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T.V.THAMILSELVI, J.

The petitioner, who was arrested and remanded to judicial custody on 20.01.2023 for the alleged offence under Sections 294(b), 324, 506(ii) of I.P.C. and subsequently it was altered into Sec.294(b), 302, 506(ii) of I.P.C. r/w 201 of I.P.C. in Crime No.17 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to previous enmity, on 14.01.2023 around 07.00 a.m., A1 came to the defacto complainant's house and took her son, for which she objected, but her son went along with him in a bike. While so, when she returned to her house around 02.00 p.m., her son was folded up with bedsheet and when she tried to woke up him, he was sustained serious blood injuries over head, ears and nose and he was unconscious and he was taken to hospital and thereafter, he succumbed to injuries. Hence, the complaint.



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3. The learned counsel for the petitioner would submit that that on the date of occurrence, the petitioner along with other accused were not in station and the respondent police did not conduct proper enquiry in this case. 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 is no way connected with the occurrence and he will abide by any condition that may be imposed by this court. He would submit that this is the second petition seeking for bail. He would further submit that the investigation is almost completed and that the petitioner has been suffering incarceration from 20.01.2023. 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 3 accused involved in this case and no previous case pending against him. He would submit that during investigation, it was found that due to previous enmity, the petitioner along with other accused assaulted the deceased with wooden



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log, and took him to defacto complainant's house and covered him with bedsheet in order to conceal the crime, thereby deceased succumbed to injuries and hence, section was altered into Sec.302 of I.P.C.. The investigation reveals that the petitioner is the prime accused and he attacked the deceased with wooden log. 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 and it is in preliminary stage. 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 that due to previous enmity, he along with other accused have attacked the deceased with wooden log and in order to conceal crime, they took the deceased to defacto complainant's house and covered him with bedsheet, thereby he succumbed to injuries and the alleged occurrence happened on that day and the investigation is in preliminary stage and if he is released on bail, he may abscond and there is



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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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