



Crl.OP.No.11855 of 2023

Crl.OP.No.11855 of 2023

WEB COPY

SATHI KUMAR SUKUMARA KURUP,J.

The Petitioner, who was arrested and remanded to judicial custody on 21.04.2023 for the offences punishable under Sections 147, 148, 294(b), 307, 302 and 506(ii) of IPC in Crime No.81 of 2023 on the file of the Respondent Police, seeks bail.

2. The case of the Prosecution is that when the defacto complainant and his relative and friend went to beach to take his helmet which was placed in a shop on 20.03.2023. Petitioner along with other accused picked up quarrel with him and attacked the defacto complainant and his relative and his friends with wooden log and iron pipe and helmet and also abused them in filthy language. Due to which, defacto complainant's relative one Vignesh become unconscious and thereafter died. Hence, the case.

3. The learned Counsel appearing for the Petitioner submitted that, petitioner was working in a shop in Marina Beach. There was some altercation between the petitioner and some strangers in the shop, due to which, one Vignesh died.

4. The learned Government Advocate (Crl. Side) vehemently



Crl.OP.No.11855 of 2023

opposed for grant of bail to the Petitioner stating that one Vignesh died on the spot, due to the brutal attack of the people in the shop and another person by name Sanjay become unconscious due to the injury. He further submitted that, only after the injured Sanjay discharged from the Hospital, they can conduct test identification parade.

5. It is seen that, there are witnesses available before the Inspector of Police, who had preferred the complaint, based on which, FIR in Crime No.81 of 2023 is registered. On perusal of the FIR, it is found that, it is narrated as though the complainant was present in the scene of occurrence.

6. Considering the objection of the learned Government Advocate (Crl. Side) that the injured is still in hospital, this Court is of the view of that, it is not a fit case to grant bail for the petitioner.

7. Accordingly, this Criminal Original Petition is dismissed.

24.05.2023

sma/jas



WEB COPY



Crl.OP.No.11855 of 2023

SATHI KUMAR SUKUMARA KURUP,J.

sma/jas

Crl.O.P.No.11855 of 2023

24.05.2023