



Crl.O.P.No.12744 of 2023

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WEB CO **A.D.JAGADISH CHANDIRA, J.**

The petitioners, who were arrested and remanded to judicial custody on 21.04.2023, for the offences punishable under Sections 147, 148, 294(b), 307, 302 and 506(2) of IPC in Crime No.81 of 2023, on the file of the respondent police, seek bail.

2. The case of the prosecution as per the defacto complainant / Aravind is that on 20.04.2023, he along with his friends had gone to the marina beach and while returning, they had misplaced a helmet in the shop and after sometime, they had gone to the said shop for taking the helmet, during such time, there was a quarrel and the accused, who are the nearby shop keepers, formed into an unlawful assembly and assaulted the defacto complainant and his two friends with wooden log and iron pipe, due to which, the defacto complainant and one Sanjay had sustained grievous injuries and unfortunately, one Vignesh succumbed to the injury. Hence the case.



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3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that the petitioners, who are the shop keepers having shops in Triplicane and on the date of occurrence, the defacto complainant and his friends had committed theft of the helmet, during such time, there was a quarrel and the defacto complainant along with his friends have assaulted the petitioners. He would further submit that there is no intention on the part of the petitioners to commit the murder. He would also submit that the petitioners are ready to abide by any stringent condition that may be imposed by this Court. Hence, he prayed for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.side) appearing for the respondent Police would submit that there are totally 10 accused in this case and the petitioners along with other accused had indiscriminately assaulted the defacto complainant and his two friends with wooden log and iron pipe, due to which, the defacto complainant and one Sanjay had sustained



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grievous injuries and one of his friend namely Vignesh succumbed to the injury. He would further submit that the investigation is at initial stage and the respondent Police has filed an application for conducting identification parade and the identification parade has been fixed on 09.06.2023. Hence, he opposed for grant of anticipatory bail to the petitioners.

5.Heard the learned counsel for the petitioners as well as the learned Government Advocate (crl.side) and perused the entire materials available on record.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel on either side and the investigation is at initial stage and also of the fact that the identification parade has been fixed on 09.06.2023, this Court is not inclined to grant anticipatory bail to the petitioners.



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7. Accordingly, this Criminal Original Petition is dismissed for the present.

08.06.2023

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