



Crl.O.P.No.13207 of 2023

WEB COPY

Crl.O.P.No.13207 of 2023

A.D.JAGADISH CHANDIRA, J.

The petitioner, who was arrested and remanded to judicial custody on 13.04.2023, for the offence punishable under Sections 294(b), 307 & 506(ii) of IPC r/w 34 of IPC @ 294(b), 302, 506(ii) of IPC r/w 34 of IPC, in connection with Crime No.83 of 2023, registered on the file of the respondent, seeks bail.

2. The case of the prosecution is that the third accused and the deceased/victim are brothers and there exists a property dispute them, due to which, A3 had engaged hirelings to do away with his own brother, thereby, on 11.04.2023, around 08.15 p.m., on the instigation of the third accused, the first and second accused had assaulted the deceased/victim, due to which, he fell down and sustained head injuries. Thereafter, the deceased/victim was taken to IGMCRI and later, he was referred to JIPMER, whereas, the victim died without responding to the treatment. Hence the case.



Crl.O.P.No.13207 of 2023

WEB COPY

3. Learned Counsel for the petitioner submitted that the petitioner (A1) is an innocent person and he has been falsely implicated in this case. He further submitted that even as per the prosecution, on 11.04.2023, there was a quarrel between the deceased/victim and his brother (A3) and during which, he fell down and sustained grievous injuries and further, no weapon had been used by the petitioner. He also submitted that the petitioner is in custody from 13.04.2023 and he is also ready to abide by any stringent conditions that may be imposed by this Court. He further submitted that major part of the investigation is also over, hence, he prayed for grant of bail to the petitioner.

4. The respondent Police has filed a detailed counter.

5. Learned Public Prosecutor (Puducherry) appearing for the respondent police submitted that it is the case, where, due to the property dispute, the third accused had engaged hirelings to do away with his own brother. He also submitted that the petitioner (A1), who is one among the hirelings engaged by A3, along with another accused had assaulted the



Crl.O.P.No.13207 of 2023

WEB COPY

deceased/victim with hands, resulting in him sustaining head injuries and died without responding to the treatment. He also submitted that the investigation in this case is still pending. He further submitted that as far as this petitioner is concerned, he is a history sheeted rowdy, against whom, 6 previous case including, one case registered under Section 302 IPC and three cases registered under 307 IPC, are pending against this petitioner. Hence, he opposed for grant of bail to the petitioner.

6. Heard the learned Counsel for the petitioner and the learned Public Prosecutor (Puducherry) for the respondent Police and perused the entire materials available on record.

7. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and also considering the fact that 6 previous cases are pending against the petitioner, this Court is not inclined to grant bail to the petitioner.



WEB COPY



Crl.O.P.No.13207 of 2023

A.D.JAGADISH CHANDIRA, J.

ham

8. Accordingly, this Criminal Original Petition stands dismissed.

21.06.2023

ham

Crl.O.P.No.13207 of 2023