

**Crl.O.P.No.21301 of 2023****G.CHANDRASEKHARAN.J.,**

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The petitioner namely Bagathur, who was arrested and remanded to judicial custody on 30.04.2022 for the offences under Section 174 of Cr.P.C., subsequently altered into Section 302 of IPC in Crime No.36 of 2021 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner submitted that, petitioner is an innocent person and he is falsely implicated in a case registered in Crime No. 36 of 2021 for the offence under Section 174 of Cr.P.C., subsequently altered into Section 302 of IPC. Petitioner is a platform vendor and he is in Judicial Custody from 30.04.2022. Thus, he seeks bail to the petitioner.

3. In response, learned Additional Public Prosecutor submitted that, on the basis of the complaint given by the defacto complainant/ passerby on 10.02.2021 that, he had seen the body of the deceased below the over bridge of Kottai Railway Station. FIR in Crime No. 36 of 2021 was registered under Section 174 of Cr.P.C., During the course of the investigation, it was revealed that, petitioner and the deceased were friends and had gay relationship. In the said relationship, it appears that,



there was some dispute between them. Therefore, petitioner had committed murder of the deceased by stabbing him. After much effort, petitioner was arrested on 30.04.2022. The case is pending for framing of charges. Petitioner hails from Assam. If he is released on bail, he will abscond and that would obstruct the trial.

4. Considering the nature of the allegations made against the petitioner and the submission of the learned Additional Public Prosecutor that, if petitioner is released on bail there is a possibility of abscondance and that would obstruct the fair trial, this Court is not inclined to grant bail to the petitioner.

5. Accordingly, this Criminal Original Petition is dismissed. Further, it is a case where only one accused is involved. Therefore, it will not take much time for completion for trial. The learned trial Judge is directed to dispose the case as expeditiously as possible, preferably, within a period of three months from the date of receipt of copy of the order.

15.09.2023

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