



Crl.OP.Nos.25153 & 24765 of 2023

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C.V.KARTHIKEYAN, J.

The petitioners who were arrested and remanded to judicial custody for the offences under Sections 147, 148, 341, 294(b), 324, 307 of IPC and 25(1B)(a), 27(1) of Arms Act, and 3(1) of TNPPDL Act, 1992 and subsequently altered to Sections 147, 148, 120(B), 294(b), 307, 324 and 341 of IPC r/w Section 25(1B)(a), 27(1) of Arms Act and 3(1) of TNPPDL Act, seek bail.

2.The petitioner in Crl.O.P.No.25153 of 2023 is arrayed as A13 and the petitioner in Crl.O.P.No.24765 of 2023 is arrayed as A12.

3.It is the case of the prosecution that A9 who is the mother of A1 and A7, had contested a local body election against the brother of the defacto complainant. A9 lost the election.

4.It is stated that this was cause for grievance of A9. Owing to that particular fact, she had instigated the other accused. In this case, it is stated that A1 had approached his friend A2 who inturn approached A10 who inturn went to A14 for purchase of a gun and the weapon was used for causing the offence under Section 307 IPC against the defacto complainant.

5.The learned counsels for both the petitioners had stated that the names are not reflected in the First Information Report and there is no direct overt act as against the petitioners. It is therefore stated these facts should be considered to grant of bail and also taking into consideration the period of incarceration for more than 60 days.



Crl.OP.Nos.25153 & 24765 of 2023

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6.On the side of the respondent, it is stated that A1, A2 and A7 have been detained under Act 14 of 1982. It is also stated that the gun had been procured from Bihar and there had been two amounts transferred through google pay to an extent of Rs.30,000/- and another sum of Rs.60,000/-. This information had been gathered during the course of confession of one of the accused.

7.The gun had been procured. That was the weapon which has actually been used. If the petitioners herein had not transferred money, the gun could not have been procured.

8.It must also be noted that earlier the bail application of A8 in whose house the gun was subsequently kept had also been dismissed by this Court. It is also informed that the injured had been discharged from the hospital, but usage of gun would only lead to culture of using gun as a weapon widely. This Court is not inclined to grant bail to the petitioners.

9.Hence, these Criminal Original Petitions are dismissed.

09.11.2023

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Crl.O.P.Nos.25153 & 24765 of 2023