



Crl.O.P.No. 32022 of 2022

Crl.O.P.No. 32022 of 2022

T.V.THAMILSELVI, J.

The petitioner, who was arrested and remanded to judicial custody on 24.10.2021 for the alleged offence under Sections 148, 302, 307 of I.P.C. r/w 149 I.P.C. altered into Sec.148, 302, 307, 120(B), 109 I.P.C. r/w Sec.149 of I.P.C. altered into Sec.148, 302, 307, 324, 120(B), 109 I.P.C. r/w 149 I.P.C. in Crime No.160 of 2021 on the file of the respondent police and pending trial in P.R.C.No. 1 of 2022 on the file of learned Judicial Magistrate No.II, Karaikal, seeks bail.

2. The case of the prosecution is that on 22.10.2021 at 22.15 hours at Ambagarathur Main Road, near Veterinary hospital, the defacto complainant riding the bike along with the deceased Devamani, the accused persons watched their movement and informed the same to the petitioner herein through whatsapp call and phone call, thereafter the other accused persons came to the spot and they said to have committed murder of one



Crl.O.P.No. 32022 of 2022

WEB COPY

Devamani, who is an eminent person in the locality by assaulting on his head and body using aruval. At the time of offence, one of the accused Charles @ Saranraj standing at Pettai Road Junction, Thirunallar and he said to have given instructions to the other accused persons about the commission of murder of Devamani through video conference. Hence, the complaint.

3. The learned counsel for the petitioner submitted that this is the second petition seeking for bail the investigation is completed and the final report in P.R.C.No.1 of 2022 was also filed before the concerned Magistrate. He would submit that he has not at all committed any offence as alleged by the respondent police and he is no way connected with the offence. He would further submit that the co-accused Nos.2 to 9, 11, 14 and 15 were released on bail by this court and the petitioner has been suffering incarceration from 24.10.2021. Hence, he prayed to grant bail to the petitioner.



Crl.O.P.No. 32022 of 2022

WEB COPY

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that the petitioner is ranked as A1 and he is the prime accused and he had a cellphone conversation with the other accused and accordingly, the offence of murder was committed. He would submit that other co-accused were released on bail and this is the second petition seeking for bail and he has produced the copy of bank statement of this petitioner. He would submit that if he is released on bail, he will tamper the witnesses and hamper the investigation and the investigation is not yet completed. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the facts and circumstances of the case and the submissions made by both counsel and considering the fact that the petitioner is arrayed as A1 and he is the prime accused in committing the offence along with other accused, and the bank statement submitted by the prosecution also reveals that he closely related to the cause of murder of deceased and also considering the gravity of offence committed by the petitioner and also considering the fact that there is possibility of tampering the witnesses and hampering the investigation and there is no change of



Crl.O.P.No. 32022 of 2022

circumstances, this Court is not inclined to grant bail to the petitioner.

Accordingly, this Criminal Original Petition is dismissed. However, though the case in P.R.C. No.1 of 2022 taken on file, so far, it was not yet committed. Hence, the trial court is directed to complete the trial and dispose the case within a period of two months from the date of receipt of copy of this order.

05.01.2023

rpp



WEB COPY



Crl.O.P.No. 32022 of 2022

T.V.THAMILSELVI, J.

rpp

Crl.O.P.No. 32022 of 2022

05.01.2023