



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )

Date : 06/03/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN



CRL OP(MD) . No.4238 of 2023

Masanam,

... Petitioner/Accused

Vs

The state rep by,  
The Inspector of Police,  
Seithur Police Station,  
Virudhunagar District.  
In Crime No.18 of 2023..

... Respondent/Complainant

For Petitioner : M/s.Balasubramanian N,  
Advocate.

For Respondent : Mr.R.M.Anbunithi,  
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

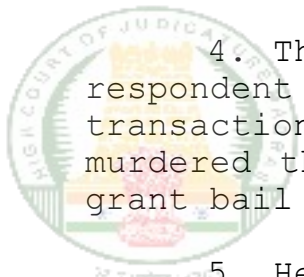
For Bail in Crime No.18 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner /A7 who was arrested and remanded to judicial custody on 25.01.2023 for the offences under sections 147,148,341,294(b),324,363,506(ii) and 302 of IPC in Crime No.18 of 2023 on the file of the respondent police seeks bail.

2. The case of the prosecution is that the defacto complainant's son and A1 and A2 are friends and the defacto complainant's son had given a sum of Rs.15,000/- to A1 and when the defacto complainant demanded the said amount, there was a wordy quarrel and due to which on 22.0.2023 at about 8.30 pm., when the defacto complainant was went to get the amount from A1, the petitioner along with other accused unlawfully assembled together with weapons , waylaid the son of the defacto complainant abused him, kidnapped him and all the accused stabbed him with knife and caused his death, hence the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case as an accused based on the confession given by the co-accused. He would further submit that the name of the petitioner does not found place in the First Information Report and he is in judicial custody from 25.01.2023, hence he seeks bail.



4. The learned Additional Public Prosecutor appearing for the respondent would submit that due to some dispute regarding transactions, the petitioner herein along with other accused murdered the son of the defacto complainant, hence he objected to grant bail to the petitioner.

5. Heard. Perused the materials available on record including the First Information Report.

6. It is seen that there are totally seven accused in this case and the petitioner herein is arrayed as A7. The specific overt act as against the petitioner is that he attacked the deceased with beer bottle on the back side of his head, therefore he sustained injuries and died. Further the petitioner was arrested only on 25.01.2023 and the investigation is still pending and at this stage if bail is granted to the petitioner he may tamper the witness and hamper the investigation, hence this Court is not inclined to grant bail to the petitioner.

7. Hence, the criminal original petition stands dismissed.

sd/-  
06/03/2023

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/03/2022  
Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023. AAV

TO

1. The Inspector of Police,  
Seithur Police Station, Virudhunagar District.
2. The Officer Incharge,  
District Prison, Viruthunagar.
3. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

ORDER  
IN  
CRL OP(MD) No.4238 of 2023  
Date :06/03/2023

KB/S IV(10.03.2023) 2P 4C