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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 16/08/2023

THE HON'BLE MR JUSTICE G.ILANGOVAN

Cr1.OP (MD) No.14756 of 2023

Paratai @ Sundaram @
Mariselvam : Petitioner/A5

Vs.

State: Inspector of Police,
South Police Station,
Tuticiron,
Tuticorin District. : Respondent/Complainant

For Petitioner : Mr.Ka.Raamakrishnan
For Respondent : Mr.B.Nambiselvan
Additional Public Prosecutor

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

PRAYER:- For Bail in Crime No.478 of 2022 on the
file of the respondent police.

ORDER: The Court made the following order:-

The petitioner/A5, who was arrested and remanded to
judicial custody, on 07/08/2022 for the offences
punishable under sections 147, 148, 341, 294(b), 324,
307, 302, 506(ii), 120(b) IPC r/w 34 IPC, in Crime No.478



of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution in brief:-

The de-facto complainant is working as Parotta Master in Raja Hotel owned by Karuppasamy. One Ponsentilkumar was working as Cashier. In the above said hotel, one Karguvel and his brother Dinesh Kumar used to take food without paying money. On 04/08/2022 at about 10.30 pm, the above said Karguvel and Dinesh Kumar after eating food tried to leave the hotel without paying money. When that was questioned by Karuppasamy, they refused and Karuppasamy was also criminally intimidated. On 05/08/2022, when they were working in the hotel, the above said Karguvel along with two persons came in a bike. Dinesh Kumar also came in another bike with two persons. At about 11.45 pm, the accused persons assaulted Karuppusamy with aruval. When neighbours intervened, they were also attacked. On seeing the above said assault, the de-facto complainant and Ponsenthilkumar and the owner of the hotel tried to escape from that place in bike, they were chased by the accused Dinesh Kumar and caused assault with aruval. Ponsenthil Kumar was also assaulted.



In the above said attack, Ponsenthil Kumar died on the spot. Palanimurugan and Samuel also sustained injuries. On the basis of the complaint, a case in Crime No.478 of 2022 was registered for the offences under sections 147, 148, 341, 294(b), 324, 307, 302 and 506(ii) IPC.

3.After completing the investigation, final report was filed and it was taken cognizance in PRC No.134 of 2022. This petitioner was arrested and remanded to judicial custody, on 07/08/2022. Later, the case was committed to the Court of Sessions and now it is pending before the 1st Additional District Judge, Tirunelveli, for trial. Later, Act 14 was invoked against him. But subsequently, it was cancelled. It is also stated that the petitioner is involved in one previous case and he has not engaged any advocate for defending the prosecution case.

4.This petitioner moved the trial court seeking bail. But that came to be dismissed noting the conduct of the petitioner.

5.Considering the manner in which, the above said



occurrence said to have been taken place, this court is not inclined to grant bail to the petitioner. If it is granted he will either abscond or cause trouble to the witnesses. I find no reason to take a different view that has been taken by the trial Judge.

6. In the result, this criminal original petition stands **dismissed**.

16/08/2023

Index: Yes/No
Internet: Yes/No
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To,

1. The I Additional District Judge,
Tirunelveli.
2. The Inspector of Police,
South Police Station,
Tuticorin.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G. ILANGO VAN, J

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