WEB COPY

Crl.O.P.No. 20842 of 2024

T.V.THAMILSELVI, J.

The petitioner, who was arrested and remanded to judicial custody on 13.05.2024 for the alleged offence under Sections 364 @ 147, 148, 302, 364 I.P.C. @ 147, 148, 302, 364, 120(B) I.P.C. @ 147, 148, 302, 364, 120(B), r/w 149 I.P.C. in Crime No. 111 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 07.03.2024, in view of previous assault by deceased and his friends, in which he sustained grievous injury and he was under medical surveillance, due to which, the petitioner along with other accused came by a car, intercepted the deceased, forcibly kidnapped him and committed murder of him. Hence, the complaint.

3. The learned counsel for the petitioner submitted that this is the second petition seeking for bail. He would submit that he has been falsely implicated in this case as if he has also participated in the commission of

https://www.mhc.tn.gov.in/judis

WEB COPY

murder of deceased. In fact, at the earliest point of time, he was attacked by the deceased and due to which, he sustained serious injuries, thereby he went to coma and he was under medical surveillance. He would submit that he is no way connected with the case and he has not at all committed any offence as alleged by the respondent police and he was not present at the scene of occurrence. He would submit that his name was not found in the F.I.R. and also against him, there is no charge sheet was filed. He would submit that the investigation is almost completed and he would abide by any condition that may be imposed by this court and he is in judicial custody from 15.05.2024 for more than 105 days. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that the petitioner is ranked as A1 and as he is having previous enmity of assault by the deceased, on the date of occurrence, the deceased was chased by a car by the petitioner along with other accused and one of accused taken photograph. He would submit that it is a preplanned murder and this petitioner is behind for the occurrence happened on that day. Furthermore, all the accused are at the young age

https://www.mhc.tn.gov.in/judis

WEB COPY

involved in murder. He would submit that if he is released on bail, he would tamper the witnesses and hamper the investigation. 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 according to prosecution, at the previous occasion, the deceased has attacked the petitioner, due to which, they have planned to kill him, thereby he was chased by a car and it was also photographed by other accused and considering the gravity of offence committed by the petitioner by separating head and neck of deceased and also the fact that investigation was pending and the trial is commenced in S.C.No.165 of 2024 before the Addl. District Judge, Tiruvallur and at this stage, if he is released on bail, he may abscond and there is possibility of tampering the witnesses and hampering the investigation and also the fact that there is no change of circumstances, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

29.08.2024

https://www.mhc.tn.gov.in/judis

WEB COPY

rpp

T.V.THAMILSELVI, J.

rpp

Crl.O.P.No. 20842 of 2024

29.08.2024

https://www.mhc.tn.gov.in/judis