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Crl.O.P.No. 23802 of 2024

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T.V.THAMILSELVI, J.

The petitioner, who was arrested and remanded to judicial custody on 13.03.2024 for the alleged offence under Sections 147, 148, 341, 120(b), 302 of I.P.C. in Crime No. 40 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that there was a civil dispute between deceased and accused. While so, on 07.03.2024 around 07.15 a.m., the petitioner along with other accused alleged to have unlawfully assembled and preplanned to commit murder of deceased, thereby they waylaid the motorcycle of deceased and said to have attacked him with knife and bill hook, thereby he sustained serious injury and died on the spot. Hence, a complaint was registered against the petitioner.



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3. The learned counsel appearing for petitioner would submit that this is the third petition seeking for bail. He would submit that he has been falsely implicated in this case as if he also accompanied with other accused to kill the deceased on the date of occurrence. In fact, he is relative of A1, so, he was falsely implicated in this case. He would submit that he is an innocent person and he was falsely implicated in this case. He would submit that there is no specific overtact against this petitioner and he is no way connected with the alleged occurrence. He would submit that investigation is almost completed and he is ready to comply with the condition imposed by this court. He would submit that the petitioner was detained under Goondas Act and subsequently this Court revoked the detention order in H.C.P.No. 1642 of 2024 by an order dated 12.08.2024. He would also submit that the petitioner has been suffering incarceration for more than 6 months from 13.03.2024. Hence, he prays to grant bail to the petitioner.



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4. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that as there was a civil dispute between the A1 and deceased, the petitioner along with other accused intercepted the deceased and attacked him with knife and sickle, thereby he sustained serious injury and died on the spot. He further submitted that totally there are 9 accused involved in this case, in which the petitioner is arrayed as A5 and there are 8 previous cases pending against the petitioner, in which one case was registered under Sec.302 of I.P.C. He would submit that the final report was filed and now the case is posted for appearance of accused on 15.10.2024. He would submit that at this stage, if the petitioner is released on bail, there is a possibility of tampering the evidence. Hence, he opposed for grant of bail to the petitioner.

5. Considering the facts and circumstances of the case and the submissions made by both counsel, considering the gravity of offence committed by the petitioner, due to a civil dispute between A1 and deceased, the petitioner along with other accused intercepted the deceased



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and attacked him with knife and sickle, thereby he sustained serious injury and died on the spot and he was brutally murdered by the accused and also the fact that he is a hooligan and he was engaged to kill the deceased and the fact that there are 8 previous cases pending against the petitioner, in which one case was registered under Sec.302 of I.P.C. and the fact that it is a daylight murder and the fact that now final report was filed and the case is posted for appearance of accused on 15.10.2024 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, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

26.09.2024

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