



Crl.O.P.No. 26631 of 2024

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T.V.THAMILSELVI, J.

The petitioner, who was arrested and remanded to judicial custody on 07.03.2024 for the alleged offence under Sections 147, 148, 120(b), 341, 302 of I.P.C., pending trial in S.C.No. 109 of 2024 on the file of Principal District and Sessions Court, Nagapattinam 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. Earlier, A1's brother was murdered by the deceased and due to the revenge, on 07.03.2024 around 06.30 a.m. while the defacto complainant's husband going to attend the court proceedings, the petitioner along with other accused alleged to have attacked him by using knife, however, he tried to escape from there, but they chased him and murdered by severing him with sickle. thereby he sustained serious injuries 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 fourth petition seeking for bail. He would submit that he has been falsely implicated in this case as if he also accompanied with other accused and hit him by ambassador car 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 8 months from 07.03.2024. 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 there was a civil dispute between the A1 and deceased. He would also submit that earlier, A1's brother was murdered by the deceased and for a retaliation, when the deceased went to attend the court proceedings, the petitioner along with other accused intercepted the deceased and chased him 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 A3 and there are 11 previous cases pending against the petitioner, in which one case was registered under Sec.302 of I.P.C. and another case was registered under Sec.307 of I.P.C. 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



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deceased, A1's brother was murdered by the deceased and for retaliation, 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 and according to prosecution, he received a sum of Rs.5,00,000/- for commission of offence and they have planned to commit murder of deceased by following in ambassador car and dashed him and made to fell down and also the fact that there are 11 previous cases pending against the petitioner, in which one case was registered under Sec.302 of I.P.C. and another case was registered under Sec.307 of I.P.C. and the fact that investigation is still pending 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.

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