

Crl.O.P.No.15573 of 2015**R.SUBBIAH, J.**

The petitioner, who apprehends arrest at the hands of the respondent-Police for the alleged offences punishable under Sections 120(B) r/w 302, 148, 302 r/w 109 IPC in Crime No.26 of 2015 on the file of the respondent-Police, seeks the relief of anticipatory bail.

2.The petitioner herein has been arrayed as 13th accused in this case. The case of the prosecution, in brief, is as follows:-

The complaint was lodged by one Tr.Mohankumar stating that he was doing agriculture in his five acre land at Pothamadai Thottasalai, along with his uncle. While so, on 21.02.2015 at about 3.00 pm, one Selvaraj, who is the nearby land owner, approached the defacto-complainant and requested him to allow the persons viz.,1)Meesaikara Rajan, 2)Vali 3)Patturajan, 4)Bala 5)Karthik, 6)Siva, 7)Valaguru, along with two advocates by name Jagathish & Venkatesh, who were known to him, to stay in the defacto-complainant's farm house to

discuss about some money transactions and on the same day, the said two advocates left the place. On 25.02.2015, one Pattu Rajan and Rajan went out and on 27.02.2015, four persons came in an Omni Van and took away Valla Guru from the above said place stating they were going to produce him in Pothanur Police Station. On 27.02.2015, the said Karthik, Siva, Bala, Vali returned to the farm house. On 28.02.2015 at 5.00 am, after hearing the barking noise of a dog nearby the farm house, the defacto-complainant went to that place and had seen that the said Karthick (deceased) was lying in a pool of blood with cut injuries on head, neck and left hand and at that time some persons escaped from the spot in Tata Sumo. Hence, the complaint was lodged by the defacto-complainant.

3.The learned counsel for the petitioner submitted that the petitioner is a practicing advocate and there is no specific overtact as against the petitioner herein except saying that he went to the defacto-complainant's farm house. Thus, he sought for grant of anticipatory bail.

5. But, the learned Government Advocate (Crl.Side) vehemently opposed the grant of anticipatory bail to the petitioner stating that the petitioner herein has active participation in the crime and that the petitioner herein only informed the other accused persons about the presence of the deceased person in the farm house of the defacto-complainant. Therefore, custodial interrogation of the petitioner is necessary in this case in order to unearth the real facts. Further, the investigation is at initial stage and if anticipatory bail is granted to the petitioner, it will hamper the investigation. Thus, the learned Government Advocate (Crl.Side) sought for dismissal of the petition.

6. I have heard the submissions made on either side and perused the materials available on record.

7. Considering the facts and circumstances of the case and taking note of the gravity of the offence, I am of the opinion that this is not a fit case to grant anticipatory bail to the petitioner. Further, as contended by the learned Government Advocate, if

anticipatory bail is granted to the petitioner it will hamper the investigation which is at initial stage. Hence, I am not inclined to grant anticipatory bail and the petition is liable to be dismissed.

In fine, the criminal original petition is dismissed.

10.07.2015

SSV

R.SUBBIAH, J.

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Pre-delivery order
in
Crl.O.P.No.15573 of 2015

10.07.2015