



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Tuesday, the Twenty Seventh day of October Two Thousand Fifteen

PRESENT

WEB COPY

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.14523 of 2015

S.SANKAR GURU

... PETITIONER/ACCUSED NO.8

Vs

THE INSPECTOR OF POLICE
C-2 POLICE STATION, MADURAI,
IN CRIME NO.593/2015

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.R.S.T.RAVANAN @ RAMASUBRAMANIAN Advocate
For Respondent : MRS.S.PRABHA Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as A8 apprehends arrest at the hands of the respondent police for the alleged offences punishable under sections 147, 148, 294(b), 302, 506(ii), 120(b) IPC r/w 109 of IPC and section 25(1)(A) of Arms Act, in Crime No.593 of 2015 on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that on 03.06.2015 at 06.00 a.m, when the deceased was in a tea shop, the accused Sekar, Ilango, Sathish, Ashokan, Kumar Pandi were standing near the tea shop. While so, the accused Kodiyarasan, Sankar Guru, Vignesh, Selvam, Ramesh Pandi and Mari Laxmanan came in two two-wheelers along with patta knife and when the other accused identified the deceased, they attacked him and done to death.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely roped in this case. The learned counsel further submitted that the petitioner was working at Tirupur at the time of occurrence and he admitted his wife, who is in advance pregnancy in a hospital and immediately after the occurrence, the respondent police contacted the petitioner over cell phone. It is further submitted that the deceased is the first accused in Crime No.807 of 2010 on the file of B-6 Jaihindpuram Police station and his sons are accused Nos.6 and 7 in the same case, which was registered for the offences under sections 120(b), 147, 148, 341 and 302 of IPC.



4.The learned counsel further submitted that information from the cell phone company to find out the location of the accused at the time of commission of the offence and that the de-facto complainant has also given an interview to a private TV Channel stating that the averments made in the complaint are not correct, would reveal that the petitioner was not at all present in the scene of occurrence. It is further submitted that A3 was already enlarged on anticipatory bail by this court in Crl.O.P(MD)No.10914 of 2015, dated 30.06.2015.

5.The learned Government Advocate (Criminal side) submitted that this is a case of retaliation murder and the deceased is the first accused in Crime No.807 of 2010 on the file of B6 Jaihindpuram Police station and the de-facto complainant is the eye witness to the occurrence and as per her statement, the petitioner attacked the deceased with patta Knife. It is further submitted that the petitioner is having one previous case to his credit in Crime No.1350 of 2011 on the file of the C2 Subramaniyapuram Police station, Madurai and that the accused has not produced any material to substantiate his case

6.Considering the specific overtact attributed against the petitioner, this court is not inclined to grant anticipatory bail to the petitioner. Hence, this petition is dismissed.

sd/-

27/10/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE INSPECTOR OF POLICE
C-2 POLICE STATION, MADURAI

2 THE ADDL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.14523 of 2015

Date :27/10/2015

AA/MP/SAR-I/06.11.2015/2p-3c