



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

Monday, the Fifth day of October Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.16060 of 2015

A. HARIHARASUDHAN

... PETITIONER / ACCUSED No.3

Vs

THE STATE REP.BY THE INSPECTOR OF POLICE
MANNACHANALLUR POLICE STATION,
MANNACHANALLUR, TRICHY DISTRICT.
IN CRIME NO. 61 OF 2015

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.N.ANANTHAPADMANABHAN Advocate

For Respondent : M/S.S.Prabha Government 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 A3 apprehends arrest at the hands of the respondent police for the alleged offences punishable under sections 147, 148 and 302 of IPC, in Crime No.61 of 2015 on the file of the respondent police and hence, seeks anticipatory bail.

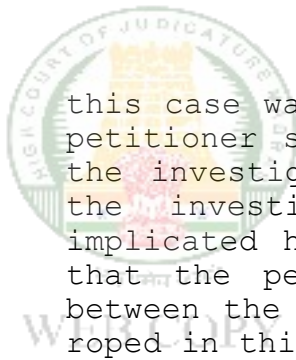
2.According to the de-facto complainant K.Palanivel that on 01.02.2015 when his paternal uncle Sakthivel was consuming alcohol in a TASMAC shop, the accused attacked him and criminal case was registered against both of them and the said Sakthivel was released on bail on 12.12.2015 and thereafter, on 24.02.2015 at 9.30 a.m., his paternal uncle and one Rajendran were proceeding in a motor bike in their native place. While so, the accused chased them in a Santro Car bearing registration No.TN-01-F-3663 and attacked the deceased with legal weapons and caused his death.

3.The earlier applications of the petitioner were dismissed on 22.06.2015 and 17.08.2015 respectively.

4.Mr.N.Ananthapadmanabhan, learned counsel for the petitioner submitted that according to the de-facto complainant, who is said to have been an eye witnesses to the occurrence, five persons I.e., two named in the FIR and three unnamed, attacked the deceased and caused his death, but so far the respondent has arrested 11 persons and the petitioner's name does not find place in the FIR. It is further submitted that there are two persons similarly named called Hariharasudhan have been implicated in this case.

<https://hcservices.ecourts.gov.in/hcservices/>

5.It is further submitted that the petitioner is a MBA Graduate and working in a private concern at Madras and the investigating officer in



this case wanted to take his house for lease and brought a woman, but the petitioner suspecting their relationship refused to let out the house to the investigating officer, which led to verbal quarrel between them and the investigating officer challenged that the petitioner will be implicated him in a criminal case. The learned counsel further submitted that the petitioner is an innocent person and due to previous enmity between the petitioner and the investigating officer, he has been falsely roped in this case.

6.The respondent has filed a detailed counter stating that there are two accused in this case in the name of Hariharasudhan and there are reliable evidence against the petitioner. The investigation reveals that the petitioner has participated in the crime and involvement in the commission of offence.

7.The learned Government Advocate (Criminal side) appearing for the respondent submitted that the motive alleged by the petitioner against the investigating officer is false and as per the statement of witnesses, the petitioner was present in the scene of occurrence and also attacked the deceased and caused his death.

8.I have perused the case diary and also considered the rival submissions of both the counsels.

9.Since, I find *prima facie* materials against the petitioner, I am not inclined to grant anticipatory bail to the petitioner. Hence, this petition is dismissed.

sd/-
05/10/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE INSPECTOR OF POLICE, MANNACHANALLUR POLICE STATION,
MANNACHANALLUR, TRICHY DISTRICT.

2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. CC to M/S.N.ANANTHAPADMANABHAN Advocate SR.No.58523.

TS/09.10.2015/2P - 4C AMF/SAR -I

ORDER
IN
CRL OP(MD) No.16060 of 2015
Date :05/10/2015