



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Friday, the Twenty Seventh day of March Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.3984 of 2015

CHANDRAN

..PETITIONER/ACCUSED No.2

Vs.

STATE REP.BY THE INSPECTOR OF POLICE
VERAVANALLUR POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO.246/2014

..RESPONDENT/COMPLAINANT

For Petitioner : M/S.R.RAMACHANDRAN Advocate

For Respondent : Mr.A.P.BALASUBRAMANI, Government Advocate (Crl.Side)

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

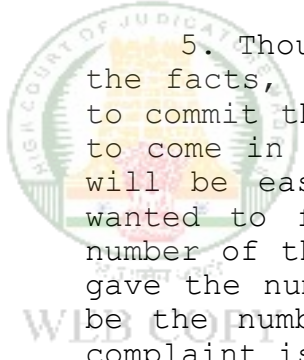
ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 449, 302, 506(ii) r/w 149 IPC in Crime No.246 of 2014 on the file of the respondent police, seeks anticipatory bail.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the State.

3. This is second anticipatory bail petition and the first anticipatory bail petition in Crl.O.P.(MD) No.21954 of 2014 was dismissed by this Court on 05.01.2015 by a well considered order. The case of the prosecution is that this petitioner along with 10 others had entered into the house of the deceased on 29.10.2014 around 8 p.m. and indiscriminately attacked the deceased with deadly weapons.

4. Learned counsel for the petitioner took me through the FIR in this case and submitted that even according to the complaint, the allegation against this petitioner is that he had instigated the others to attack the deceased. The complainant in this case is none other than the father of the deceased, who is an eyewitness, since the incident had taken place near the house of the deceased. The defacto complainant has spoken about the presence of this petitioner and his son Vakeel Kumar (A1), who had come in two motor bikes and in one Innova Car and after indiscriminately attacking and killing the deceased, they fled in the same vehicles. Learned counsel for the petitioner submitted that in the FIR, the number of the Innova Car has been given as TN-72 T 2671 and therefore, the accused made an application before the Transport Authorities under RTI Act to know the nature of the vehicle, which bears the said registration number. Learned counsel for the petitioner produced the reply received from the Transport Authorities, which shows that TN-72 T 2671 is a motorcycle without gear. On the strength of this document, learned counsel for the petitioner submitted that the prosecution theory that the registration number TN-72 T 2671, cannot be true, because the said registration number has been given for a two wheeler.



5. Though this argument sounds appealing, yet on a deeper scrutiny of the facts, it should be borne in mind that an organized attempt was made to commit the murder of this nature and the accused will not be foolhardy to come in a vehicle bearing the correct registration number, because it will be easier for the Police to track them down. If the complainant wanted to foist the case, he would have made enquiries and given the number of the vehicle actually belonging to the accused. The fact that he gave the number, as he observed in the car, which later on turned out to be the number of a two wheeler cannot lead to the inference that the complaint is a false one.

6. Under such circumstances, this Court is of the view that custodial interrogation of this petitioner is necessary to find out these details also.

7. In the result, the Criminal Original Petition is dismissed.

sd/-

27/03/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

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

2 THE INSPECTOR OF POLICE, VERAVALALLUR POLICE STATION,
TIRUNELVELI DISTRICT.

ORDER IN

CRL OP(MD) No.3984 of 2015

Date :27/03/2015

PBK 01/04/2015 ::1P-3C: