



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

Wednesday, the Twenty Fifth day of March Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.4708 of 2015

VASANTH @ VASANTHA KUMAR ... PETITIONER/ ACCUSED NO.4

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
SOMARASAMPETTAI POLICE STATION,
SOMARASAMPETTAI,
TRICHY DISTRICT.
(CRIME NO. 89 OF 2015) ... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.KARTHICK Advocate

For Respondent : MR.A.P.BALASUBRAMANIAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

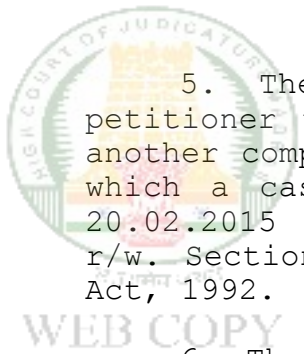
Apprehending arrest at the hands of the respondent police in Crime No.89 of 2015 on the file of the respondent police for offences under Sections 147, 148, 324, 307 and 302 of I.P.C. the petitioner is now before this Court seeking Anticipatory Bail.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side).

3. This is the second anticipatory bail petition and the first application was dismissed as withdrawn.

4. The case of the prosecution is that one Rajkamal was having illicit affair with one Annalakshmi, with regard to which, this petitioner and his family members were spreading rumours. Therefore, there was a quarrel between Rajkamal and the family members of this petitioner. The de-facto complainant in this case is one Arumugam, who is the close relative of Rajkamal. The de-facto complainant in his complaint has stated that on 16.02.2015 at about 7.00 p.m., Rajkamal was abusing the petitioner's family and questioning them as to why they are spreading rumours as if he is having links with Annalakshmi. Arumugam asked Rajkamal to go away and thereafter, at about 8.00 p.m., when Arumugam and Namasivayam, who is the deceased in this case and a close relative of Arumugam were standing and talking, four persons viz., Balu, Arulmozhivarman, Silambarasan and Vasanth (petitioner herein) came to the place and started indiscriminately attacking everyone and in that, Namasivayam sustained serious injury and he died. Thus, the name of this

<https://hcservices.courts.gov.in/hcservices> in the F.I.R. registered in Crime No.89 of 2015.



5. The learned counsel for the petitioner submits that this petitioner was not present in the scene of crime, because there is yet another complaint given by Annalakshmi herself against this petitioner in which a case in Crime No.93 of 2015 was registered by the police on 20.02.2015 for offences under Sections 147, 148, 294(b), 506(ii) I.P.C. r/w. Section 3(1) of Tamil Nadu Property (Prevention of Damage and Loss) Act, 1992.

6. The learned counsel for the petitioner produced a copy of the F.I.R. in Crime No.93 of 2015 and submitted that even according to Annalakshmi, when this petitioner is involved in the offence against her, during the same time on 16.02.2015, he could not have been present in this offence.

7. Therefore, this Court carefully perused both the F.I.Rs and found that the allegation of Annalakshmi is that this petitioner and others had came to her house by a car around 7.00 p.m. on 16.02.2015 and had tried to assault her, whereas in the F.I.R. in Crime No.89 of 2015 registered on the complaint of Arumugam, this petitioner along with the others had gone to that scene of occurrence at about 8.00 p.m. on 16.02.2015. Hence, in the considered opinion of this Court, there is no serious discrepancy between the version in F.I.R. in Crime No.93 of 2015 and Crime No.89 of 2015.

8. Taking into consideration the fact that this petitioner has been named in the F.I.R. in Crime No.89 of 2015 for having attacked the deceased Namashivayam and others, this is not a fit case for granting anticipatory bail to the petitioner and hence, this Criminal Original Petition is dismissed.

sd/-
25/03/2015

/ TRUE COPY /

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

TO

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

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

ORDER
IN
CRL OP(MD) No.4708 of 2015
Date :25/03/2015

rg.31.03.2015 2p.3c.