

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Third day of September Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice RMT. TEEKAA RAMAN

CRIMINAL ORIGINAL PETITION No.21118 of 2018

MANI

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY ITS, [RESPONDENT]
THE INSPECTOR OF POLICE,
NEYVELI TOWNSHIP POLICE STATION,
CUDDALORE DISTRICT
CR.NO.135 OF 2018.

For Petitioner : M/S.G.ILAMURUGU Advocate

For Respondent : M/S.V. SARATHA DEVI Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner/ Accused ranked as A12, seeks anticipatory bail in Crime No.135 of 2018 registered by the respondent / police for the offences punishable under Sections 364, 147, 148, 302 I.P.C r/w Section 3(1) of Prevention of Damage to Public Property Act.

2. The learned counsel for the petitioner submitted that one Mr.Ayyappan @ Devanathan, S/o. Chinnathambi of Vaadaku Melur Village, Cuddalore District was kidnapped and murdered by one Mr.Manivarma; there was a long pending amount due and therefore, Vicky who has approached the deceased to get back the money, was involved in 5 previous cases and in turn, the deceased intimidated Manivannan to pay the money.

3. The learned counsel for the petitioner has submitted that some of the accused have already been granted bail. He was the actual victim of the crime between the two persons doing Katta Panchayat. Earlier, the petitioner/accused has moved Crl.O.P.No.8131 of 2018 to register the FIR against the persons, those who were involved in this case and he has paid Rs.8,00,000/- (Rupees Eight Lakhs Only) to the deceased to be payable by the accused Vicky for Chit transactions and however, in the FIR, only seven persons were alleged to have committed the offence, while the police have added six more persons involved in the offence and sought bail.

4. The learned Government Advocate (Crl.side) has drawn my attention of the confession statement of A4 / Chandravanthanan, who had narrated the criminal conspiracy hatched by the petitioner herein and strongly opposed for granting bail. The learned Government Advocate (Crl.side) appearing for the respondent contended that the accused 2 to accused 7 were released on bail, while A 12 and A13 were absconding. The petitioner herein/A12, is said to have executed a promissory note and bond and at the stage of investigation, the materials are pointed out to show that he is engaged with other persons and not in the scene of occurrence for committing the crime. After going through the copy of the FIR and the earlier Criminal Original Petition filed by this petitioner in Crl.O.P.No.8131 of 2018 and as some of the prime accused are still absconding and the matter is still under investigation. I am not inclined to grant the relief under this petition. Since the earlier petition seeking bail made in Crl.O.P.No.19324 of 2018, was dismissed on 03.08.2018 on the ground of the overt act attributed against the petitioner/ Accused 12 and as there is no change of circumstances, the present criminal original petition is also dismissed.

-sd/-

03/09/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE INSPECTOR OF POLICE,
NEYVELI TOWNSHIP POLICE STATION,
CUDDALORE DISTRICT

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.G.ILAMURUGU Advocate on payment of necessary charges SR NO.16837

CRL OP.21118/2018

Date :03/09/2018

MK:06/09/2018