

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Third day of July Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice S. VAIDYANATHAN

CRIMINAL ORIGINAL PETITION No.15112 of 2018

IN CRL.M.P.NO.8359 of 2018

S.C.NO.101 of 2015

(THE ADDITIONAL DISTRICT AND SESSIONS JUDGE, NO.I, SALEM)

SHANMUGAM @ SIVA,

[PETITIONER / ACCUSED]

Vs

THE INSPECTOR OF POLICE
SANGARI POLICE STATION,
SALEM TALUK.
CR.NO.799 OF 2014.

[RESPONDENT]

S. KANAKAVALLI [INTERVENING PETITIONER/DEFACTO COMPLAINANT]
[ORDERED AS PER ORDER OF THIS COURT DATED 23/07/2018 IN
CRL.MP.8359/2018]

For Petitioner : M/S.D.BALAJI Advocate

For Respondent : MR. R. RAVICHANDRAN, Advocate

For Intervener : M/S.V.S.SENTHIL KUMAR, Advocate

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 for the alleged offences punishable under Sections 120(B), 364, 364 r/w 120 (B), 302, 302 r/w 34, 302 r/w 120(B), 404, 404 r/w 120(B) and 201 r/w 302 I.P.C. in Crime No.799 of 2014 on the file of the respondent police, the petitioner has come forward with this petition seeking anticipatory bail.

2. Heard the learned counsel for the Petitioner; learned Government Advocate and the learned counsel appearing for the Intervenor.

3. The case of the prosecution is that one Duraisamy was found missing and his wife gave a complaint to the Respondent police that her husband was found missing. Subsequently, the trunk of a person was recovered from the river bed of Bhavani. The Petitioner/A2 is alleged to have given an extra-judicial confession statement to the Village Administrative Officer saying that he was the driver of A1-Ramachandran and that there was a dispute between the deceased Duraiswamy and A1 and that A1 engaged other accused and is alleged to have caused the death of Duraisamy and threw the body into the river bed of Bhavani.

4. Learned counsel for the petitioner submitted that the Petitioner has been falsely implicated in this case and that he is innocent of the offence alleged against him.

5. Learned Government Advocate (Crl. Side) submitted that trial in S.C.No.101 of 2015 on the file of the II Additional District and Sessions Judge, Salem in Crime No.799 of 2014 is already over and the case is posted for judgment.

6. Learned counsel appearing for the Intervenor submitted that the Petitioner/A2 is the close aide and driver of the 1st Accused and they colluded and conspired with the other accused and has executed the brutal murder. Hence, he prayed for dismissal of this Petition.

7. Taking note of the submissions made by the learned Government Advocate (Crl. Side), as the trial is already over and the matter is ready for judgment, this Court is not inclined to grant anticipatory bail to the Petitioner.

Accordingly, this Criminal Original Petition is dismissed.

-sd/-
23/07/2018

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 ADDITIONAL DISTRICT AND SESSIONS JUDGE,
NO.I, SALEM.

2 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,
NO.II, SALEM.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
SANGARI POLICE STATION,
SALEM TALUK.

CC to M/S.D.BALAJI Advocate on payment of necessary charges

CRL OP.15112/2018
IN CRL.M.P.NO.8359/2018

Date :23/07/2018

TA-30/07/2018