



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

Friday, the Sixteenth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.2236 of 2018

DEEPAK

... PETITIONER/ACCUSED
RANK NOT KNOWN

Vs

STATE REPRESENTED BY,
THE INSPECTOR OF POLICE
KENIKARAI POLICE STATION,
RAMANATHAPURAM,
(IN CRIME NO. 30/2018)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.K.JEGAN, Advocate

For Respondent : M/S.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioner/A9, apprehends arrest at the hands of the respondent police for the offence punishable under Sections 147, 148, 294(b), 323, 324 and 302 of IPC., in Crime No.30 of 2018, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 04.02.2018, due to previous enmity, the petitioner and other accused stabbed the defacto complainant's brother by using knife and caused injuries, thereby, the injured was taken to the hospital by the defacto complainant. In the hospital, he was declared dead. Hence, the case has been registered for the above said crime.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.



4. The learned Government Advocate (Criminal Side) appearing for the respondent, on instructions would submit that Accused Nos.1, 4, 5, 6 and 11 are arrested, A2 surrendered before the Magistrate Court and the other accused are yet to be arrested. He further submitted that the investigation is at initial stage. Hence, he prays for dismissal of this application.

5. The submissions made by the learned counsels appearing for either side are considered. It is alleged that on 04.02.2018, due to the previous enmity with intention to kill the deceased, the petitioner and other accused stabbed the deceased by using knife and committed this offence. So far, Accused Nos.1, 4, 5, 6 and 11 were arrested, A2 surrendered before the Magistrate Court and the other accused are yet to be arrested. According to the prosecution, investigation is not completed. In the above circumstances, the petitioner herein being the ninth accused in this case filed this application for getting anticipatory bail. So, considering the nature of offence committed by the petitioner, this Court came to the conclusion that if this petitioner is granted with anticipatory bail, there may be a chance of tampering the witness and hampering the investigation. Hence, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

sd/-
16/02/2018

/ TRUE COPY /

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

TO

- 1 THE INSPECTOR OF POLICE,
KENIKARAI POLICE STATION,
RAMANATHAPURAM.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.2236 of 2018
Date :16/02/2018

PK/RR/SAR-3/22.02.2018 : 2P/3C