



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 20/06/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.7847 of 2019

1.Vijayan
2.Vijayakumar

... Petitioners/Accused
Rank Not Known

Vs

The State rep.by
The Inspector of Police,
Sengipatti Police Station,
Thanjavur District.
Crime No.102 of 2018.

... Respondent/Complainant

For Petitioner : M/s.K.M.Karunakaran,
Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor.

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

PRAYER :-

For bail petition in cr.no.102 of 2018 on the file of the respondent police.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 449, 294 (b), 324 and 302 of IPC, seek anticipatory bail.

2.Heard both sides.

3.The learned counsel appearing for the petitioners has submitted that in the First Information Report, the name of the petitioners have not been mentioned and only based on the confession given by A-1, the petitioners herein have been implicated in the above case. He further submitted that as per the First Information Report, only four persons involved in the crime and already four



persons were arrested and in such a case, the involvement of these petitioners would not be true. He further submitted that already this Court has granted anticipatory bail to A-8 (Sudhakar) and hence, he prayed to grant anticipatory bail to the petitioners also.

4. Per contra, the learned Additional Public Prosecutor appearing for the respondent has submitted that the First Information Report was registered based on the complaint given by one of the watchmen of the Mediequip Company, situated at Sengipatti on the Trichy to Thanjai Main Road. He further submitted that since the accused persons were not already known to the watchmen/de-facto complainant, he has stated that four known persons have jumped into their company and attacked one of the watchmen with deadly weapons and caused serious injury and that the injured was admitted in the hospital and subsequently the said person succumbed to the injuries. He further submitted that during investigation, A-1 was arrested and he voluntarily gave a confession and in the said confession he has specifically stated that along with him, the petitioners herein and one Vijayakanth accompanied into the said company and also attacked the deceased. He further submitted that the custodial interrogation of the petitioners are absolutely necessary for recovery of the weapons and the test identification parade also has to be conducted. He further submitted that this Court has granted anticipatory bail to A-8. He further submitted that insofar as A-8 is concerned he used to purchase scrap from the main accused persons. Taking into consideration of the said fact, this Court has granted anticipatory bail to A-8 and these petitioners cannot claim parity on with A-8 and therefore, he strongly opposed this petition.

5. Taking into consideration though in the First Information Report, the name of the petitioners herein have not been mentioned, it is specifically stated that four known persons committed offence and subsequently A-1 was arrested and he gave confession and in the said confession, these petitioners have been implicated and also the submissions made by the learned Additional Public Prosecutor that the weapons have to be recovered and for that purpose custodial interrogation of the petitioners are absolutely necessary and a test identification parade also to be conducted, this Court is not inclined to grant anticipatory bail to the petitioners.

6. Accordingly, this Criminal Original Petition is dismissed.

sd/-
20/06/2019

/ TRUE COPY /

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



TO

1.The Inspector of Police,
Sengipatti Police Station,
Thanjavur District.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.K.M.KARUNAKARAN, Advocate (SR-10222[I] dated
21/06/2019)

ORDER

IN

CRL OP(MD) No.7847 of 2019

sj i

TK/PN/SAR.4/28.06.2019/3P/4C