

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Thirteenth day of February Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.2111 of 2020

KOTHANDAPANI @ R.KOTANDABANY

[PETITIONER / ACCUSED]

Vs

THE STATE REP.BY

STATION HOUSE OFFICER,
KALAPET POLICE STATION,
PONDICHERRY.

CR.NO.46 OF 2019.

[RESPONDENT]

For Petitioner : M/S.R.SREEDHAR Advocate

For Respondent : M/S BHARATHA CHAKRAVARTHY, PUBLIC PROSECUTOR
(PUDUCHERRY)

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

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 302, 109 IPC r/w. Section 34 of IPC and under Section 3 of the Explosive Substance Act 1908 @ 109, 120-B IPC r/w. Section 34 of IPC and under Section 3 of the Explosive Substance Act 1908 in Cr.No.46 of 2019 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that there was a dispute between two groups with regard to the expansion of pharmaceutical company and they attacked each other, thereby, in an earlier occasion one Joseph was murdered by the deceased group. Inorder to wreck vengeance, at the instigation of some of the accused, the son of the said Joseph arranged some of the accused to commit murder of the deceased. The allegation against the petitioner is that he instigated the other accused to commit murder of the deceased. The petitioner is arrayed as A7 in the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution. He would further submit that one of the co-accused has been granted anticipatory bail by this Court and would further submit that some of the other co-accused were already granted bail and anticipatory bail by the lower Court. He would further submit that the learned Public Prosecutor who appeared for the State before the lower Court has not seriously objected for grant of anticipatory bail

to the co-accused. Accordingly, he prayed for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor (Puducherry) submitted that inadvertently, the learned Public Prosecutor who appeared for the State before the lower Court has not seriously objected for grant of anticipatory bail to the co-accused. However, in the present case, the petitioner had active participation in the crime committed by the co-accused and hence, custodial interrogation of the petitioner is necessary. He would further submit that for the very same reason, the earlier petition filed by the petitioner for anticipatory bail was dismissed, however, the petitioner without any change in circumstances, has filed the present petition.

5.Heard the arguments advanced on either side and perused the materials available on record.

6.Perusal of records disclose that the lower Court has granted anticipatory bail to some of the co-accused since the learned Public Prosecutor who appeared for the State before the lower Court has not seriously objected for grant of anticipatory bail to them. However, in the present case, the learned Public Prosecutor (Puducherry) vehemently opposed for grant of anticipatory bail to the petitioner on the ground that the petitioner had active participation in the crime committed by the co-accused and hence, custodial interrogation of the petitioner is necessary and there is also no change in circumstances.

7.In view of the above, I am not inclined to grant the relief of anticipatory bail to the petitioner. This criminal original petition is accordingly dismissed.

-sd/-

13/02/2020

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.

WEB COPY

TO

1 THE PUBLIC PROSECUTOR
PUDUCHERRY

2 THE STATION HOUSE OFFICER,
KALAPET POLICE STATION,
PONDICHERRY.

CC to M/S.R.SREEDHAR Advocate on payment of necessary charges
SR.NO.2994

CRL OP.2111/2020

Date :13/02/2020

RVR 21/02/2020



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