

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.05.2020

THE HON'BLE MR.JUSTICE T.RAVINDRAN

CRL.OP.NO.7375 of 2020

G.Sity Babu

..... Petitioner

Vs.

The State,
Rep by the Inspector of Police,
Sethiyathope police station,
Sethiyathope, Cuddalore District,
Tamil Nadu.

..... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C. to enlarge the petitioner in an anticipatory bail in connection with the case in Crime No.186 of 2019, on the file of the respondent police.

For Petitioner : Mr.V.Prakash, Senior Counsel

for Mr.P.R.Thiruneelakandan

For Respondent : Mr.Shanmuga Rajendran,

Public Prosecutor.

ORDER

Apprehending arrest for the offences punishable under sections 147, 148, 341, 342, 323, 324 & 302 IPC, on the file of the respondent police, the petitioner has come forward with the petition seeking for Anticipatory Bail.

2. Even as per the case of the petitioner, this is the fourth anticipatory bail application preferred by him and the earlier anticipatory bail petitions laid by him had been since dismissed or withdrawn.

3. The petitioner has put forth certain change of circumstances for preferring this petition. According to the petitioner, inasmuch as most of the other accused had been released on bail or anticipatory bail and as according to him, the investigation is completed, he is entitled to be released on bail as similar to the other accused. Further, according to him, he has not caused any inducement or humiliation to A1 or A10 to commit the offence of murder as alleged by the prosecution and further, according to him, he is ready to cooperate with the investigation, if any, to be further conducted and also abide with any condition that may be imposed by this Court while enlarging on bail.

4. Per contra, according to the learned Public Prosecutor, the petitioner/A2 has played a vital and significant role in the commission of the crime levelled against the petitioner and the other accused and only due to the inducement, humiliation and disgrace caused to A1 and A10 by the petitioner, the offence of murder had been committed in this matter and the petitioner is an influential person and as the investigation is still not concluded, according to the learned Public Prosecutor, the petitioner is not entitled to seek the relief sought for and prayed for the dismissal of the petition.

5. In the criminal original petition preferred by the petitioner in Crl.op.No.34854 of 2019 which had come to be dismissed on 23.01.2020, it is found that the State has preferred a counter opposing the relief of Anticipatory Bail sought for by the petitioner. In the counter, the State has averred that it is only the petitioner/A2 who has convened and presided over the panchayat in the matter and in the panchayat held on 01.09.2019, the petitioner/A2 had tied both the deceased and Chinnamani with whom the deceased had eloped and assaulted both of them with an iron rod and the other accused belonging to Vanniyar community started to beat them by

hands and legs and thus caused injuries to both of them and also abused them in filthy language and unparliamentary words and also they were compared with the community wise words. Further, it is put forth in the counter that the petitioner/A2 and the other accused have finally charged both the families of the deceased and Chinnamani directing them to pay Rs.50,000/-(Rupees Fifty Thousand only) each to the temple of Mariamman and also further instructed that A1's family shall not be allowed to live in the village. Therefore, according to the prosecution, as stated in the counter, on the inducement of the petitioner/A2, A1 has decided to murder his daughter on honour murder with A10.

6. Considering the abovesaid principal and vital role played by the petitioner/A2 in causing the inducement, humiliation and disgrace to A1 commit the offence of murder, accordingly, it is found that this Court had earlier dismissed the Anticipatory Bail petition preferred by the petitioner/A2. As put forth by the learned Public Prosecutor, inasmuch as the investigation is not completed and furthermore, as the offences levelled against the petitioner are serious in nature and as the petitioner has played a vital role in the inducement which led to the commission of the heinous

crime of murder, the petitioner having played the main role in the commission of the crime altogether and the petitioner being an influential person, in my considered opinion, at this stage of the matter, particularly, when the investigation is not yet completed, the release of the petitioner on bail would cause obstacles to the process of free and fair investigation to be conducted further. In such circumstances, I am not inclined to grant the relief sought for by the petitioner.

7. For the reasons aforesaid, the criminal original petition is dismissed.

06.05.2020

Index : Yes/No

Internet : Yes/No

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To:

1. The Inspector of Police,
Sethiyathope police station,
Sethiyathope, Cuddalore District,
Tamil Nadu.

2. The Public Prosecutor, High Court, Madras.

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T.RAVINDRAN,J

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