

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.05.2020

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Crl. O.P. No. 8023 of 2020

M.Ramamurthy
S/o.Munusamy
No.105, Venkateshwara Layout
Railway Station road
Hosur, Krishnagiri District
Pincode-635109.

.. Petitioner / Accused

Vs.

State rep. by the Inspector of Police,
Udannapalli Police Station
Krishnagiri District.

.. Respondent / Complainant

[Crime No. 153 of 2019]

Prayer: Criminal Original Petition filed for anticipatory bail under Section 438 of Criminal Procedure Code.

For Petitioner : Mr.M.Palanivel

For Respondent : Mr.M.Jothikumar

Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent

police for alleged offence punishable under Sections 279, 338 and 304(A) IPC altered into Sections 143, 436, 302, 307, 149 and 120B IPC in Crime No.153 of 2019, seeks anticipatory bail.

2.The case of the prosecution is that while the defacto complainant's wife was returning after inspecting her paper manufacturing unit, which was yet to be commissioned, a lorry bearing Registration No.TN-30-AL-6946 dashed against the car, in which the defacto complainant's wife travelled and driver of the car died on the spot. Wife of the defacto complainant sustained severe burn injury and admitted in St.Johns Hospital, Bangalore for further treatment. A case has been originally registered for the offence under Sections 279, 338 and 304(A) IPC and subsequently, after investigation, altered into Sections 143, 436, 302, 307, 149 and 120B IPC.

3.The learned counsel appearing for the petitioner submitted that the petitioner is no way connected with the alleged offence. He is running paper manufacturing unit in the same locality. Due to business rivalry, a false case has been foisted against the petitioner. The petitioner is brother-in-law of the defacto complainant and his well wisher. No prima facie case is made out

against the petitioner. The petitioner is a senior citizen and is suffering from heart ailment. Other accused persons were arrested. Originally, the defacto complainant himself has stated that it is only an accident and has given complaint. The defacto complainant has already started the paper manufacturing unit and there is no business rivalry and prayed for granting anticipatory bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police submitted that this Court by order dated 20.12.2019 dismissed Crl.O.P.No.32759 of 2019 filed by the petitioner for anticipatory bail considering the entire facts that it is a pre-planned murder and on going through the Case Diary. There is no change of circumstances and the investigation is not completed and hence, he prayed for dismissal of the petition.

5.Heard the learned counsel appearing for the petitioner as well as the learned Additional Public Prosecutor appearing for the respondent Police and perused the materials available on record.

6.Considering the facts of the case and that this Court elaborately considered earlier petition in CrI.O.P.No.32759 of 2019 filed by the petitioner for anticipatory bail and after considering Case Diary produced before this Court, dismissed the said petition. The defacto complainant's wife died after ten days of the occurrence. The respondent Police after investigation altered the Sections 279, 338, 304(A) IPC into Sections 143, 436, 302, 307, 149 and 120B IPC and now the alleged offence against the petitioner is that of murdering the defacto complainant's wife and driver of the car due to business rivalry. There is no charge of circumstances to grant anticipatory bail to the petitioner, who is facing the charge of murder. Further this Court has dismissed the earlier petition for anticipatory bail filed by the petitioner and the petitioner has not stated any change of circumstances. For the above reason, this Court is not inclined to grant anticipatory bail to the petitioner.

7. Accordingly, this Criminal Original Petition is dismissed.

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Index : Yes / No
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V.M.VELUMANI, J.,

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To

1.The Inspector of Police,
Udannapalli Police Station
Krishnagiri District.

2.The Public Prosecutor,
High Court, Madras.



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