

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.06.2020

CORAM

THE HONOURABLE MR. JUSTICE **G. K. ILANTHIRAIYAN**

Crl.O.P.No.8578 of 2020

Mani @ Manikandan (M/30),
S/o. Ram Moorthy,
No.288, 15th Street,
N.S.K.Nagar, Arumbakkam,
Chennai – 600 106.

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
K-3, Aminjikarai Police Station,
Chennai.
(Crime No.454 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioner on bail in the event of his arrest in
Crime No.454 of 2020 on the file of the respondent police.

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For Petitioner

: Mr. S. V. Karthikeyan

For Respondent

: Mr. M. Mohamed Riyaz,
Additional Public Prosecutor

ORDER

The petitioner who apprehends arrest at the hands of the respondent police for the offence punishable under Section 395 of IPC in Crime No.454 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that on 18.04.2020 at about 2.00 a.m., the petitioner and six others trespassed into the house of the defacto complainant and threatened the defacto complainant by keeping the knife on his neck and snatched two cell phones and also trespassed into other houses, stolen jewels and decamped from the scene of occurrence and thereby committed the offences put forth against them.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent and he has been falsely implicated in the case based on the confession of the co-accused and due to enmity, the respondent police have roped in the petitioner in the crime. He further submitted that the petitioner is ready to co-operate with the investigation and to abide by the conditions that may be imposed by this Court. Hence, he seeks anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that the public had caught five accused persons red handedly and that the petitioner along with the other accused involved in the crime, had escaped. He further submitted that the investigation is still not concluded and it just commenced. Further he would submit that if the petitioner is granted anticipatory bail, he would abscond and it would cause hindrance to the process of further investigation and there is also possibility that the petitioner would again involve in similar offences. Therefore, he vehemently opposed the grant of bail to the petitioner.

5. Considering the serious nature and gravity of the crime levelled against the petitioner and the other accused persons and the investigation is not yet concluded and that the other accused persons still to be nabbed and the apprehension of the prosecution that the petitioner may cause hindrance and obstacles to the process of free and fair investigation, not to be easily discarded.

6. Further it is seen that the petitioner had earlier approached this Court vide Crl.O.P.Nos.7452 and 7754 of 2020 seeking anticipatory bail and this Court had considered the petitions on merits and dismissed the same on 06.05.2020 and 21.05.2020 respectively. Once again the petitioner has come forward with the present petition seeking anticipatory bail. However, there is no change of circumstances in this case and hence, this Court is not inclined to grant anticipatory bail to the petitioner.

7. Accordingly, this Criminal Original Petition stands dismissed.

25.06.2020

Index: Yes/No

Internet: Yes/No

Speaking/Non-Speaking order

SSI

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To

1. The Inspector of Police,
K-3, Aminjikarai Police Station,
Chennai.
2. The Public Prosecutor,
Madras High Court,
Chennai.

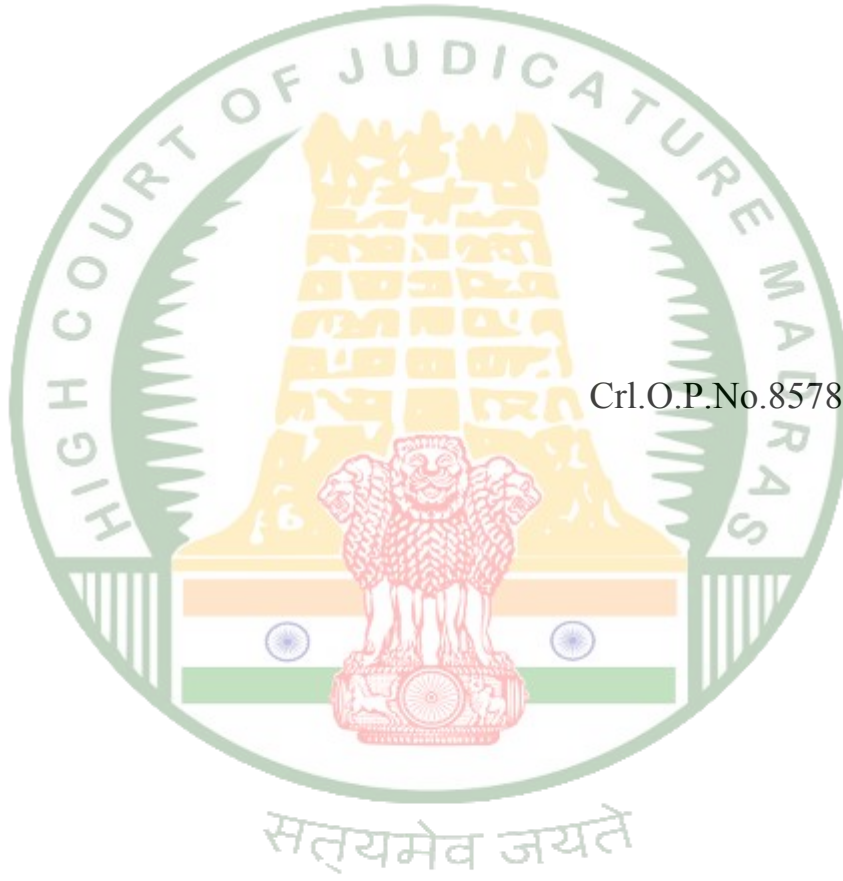


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G. K. ILANTHIRAIYAN, J

SSI



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