

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.06.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No. 9475 of 2020

Blacken @ Mohammed Maideen

... Petitioner/ 1st Accused

Vs.

State represented by
The Inspector of Police,
Nagapattinam Police Station,
Nagapattinam District.
(Crime No.198 of 2019)

... Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on bail in the event of his arrest in Crime No.198 of 2019, on the file of the respondent police.

For Petitioner : Mr.K.Thenrajan

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 174 Cr.P.C subsequently altered into offences under Sections 342, 302 and 147 of IPC in Crime No.198 of 2019, seeks anticipatory bail.

2 The case of the prosecution is that on the complaint lodged by the brother-in-law of the deceased, initially a case has been registered under Section 174 of Cr.P.C. Later, it was altered for the offences under Sections 342, 302 and 147 of IPC. There are totally five accused persons. The first accused viz., the petitioner herein had previous enmity with the deceased family. Therefore, the deceased was taken to the house of the first accused and there he was strangled by the accused persons and thrown away the body of the deceased.

3 The learned counsel appearing for the petitioner would submit that initially a case was registered under Sections 174 of Cr.P.C. subsequently, altered to the offences under Sections 342, 302 and 147 of IPC. There is absolutely no eye witness to the occurrence and the petitioner has been implicated as an accused only on extra judicial confession statement made by the co-accused persons. Insofar as the petitioner is concerned, he is nothing to do with the crime as alleged by the prosecution. He further submitted

that the wife of the petitioner already submitted a representation dated 18.12.2019 to the Superintendent of Police, Nagapattinam District, with allegation as against the police officials herein in respect of harassing her in pursuant to the complainant lodged by her husband viz., petitioner herein. Therefore, he has been falsely implicated in this case as first accused. Even according to the case of the prosecution, there is absolutely no specific overt as against the petitioner and as such, he sought for anticipatory bail.

4 The learned Additional Public Prosecutor appearing for the respondent would submit that there are totally five accused persons. In which, the petitioner is arrayed as first accused, A2 and A3 were already arrested and A4 & A5 have to be secured. On the confession statement of the accused 4 and 5, the investigation revealed that there is previous enmity between the petitioner family and the deceased family and oftenly they used to have wordy quarrel between them. In pursuant to the same, the deceased was taken by the accused persons into house of the first accused and there the deceased was strangulated and murdered by the accused persons. All the accused persons are having specific overt in the occurrence and thereafter, they thrown away the body of the deceased. Therefore, he strongly opposed to grant anticipatory bail to the petitioner.

5 It is seen that there are totally five accused persons. In which the petitioner is arrayed as first accused. According to the case of the prosecution, the first accused family and the deceased family had previous enmity. Due to which, frequently there was wordy quarrel between them. In this regard, on the instruction given by the first accused, other accused persons have taken the deceased to the house of the first accused and there, they had strangulated and also murdered him. Thereafter, they also thrown out the body of the deceased. Therefore, all the accused persons are having specific overt. Further, the petitioner/A1 is also having two previous cases. Therefore, this Court is not inclined to grant anticipatory bail to he petitioner. Hence, this Criminal Original Petition stands dismissed. सत्यमेव जयते

-sd/-

29/06/2020

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.

TO

1 THE JUDICIAL MAGISTRATE,
<https://hcservices.courts.gov.in/hcservices/>
SIRKALI.

2 THE INSPECTOR OF POLICE,
NAGAPATTINAM TOWN POLICE STATION,
NAGAPATTINAM DISTRICT.

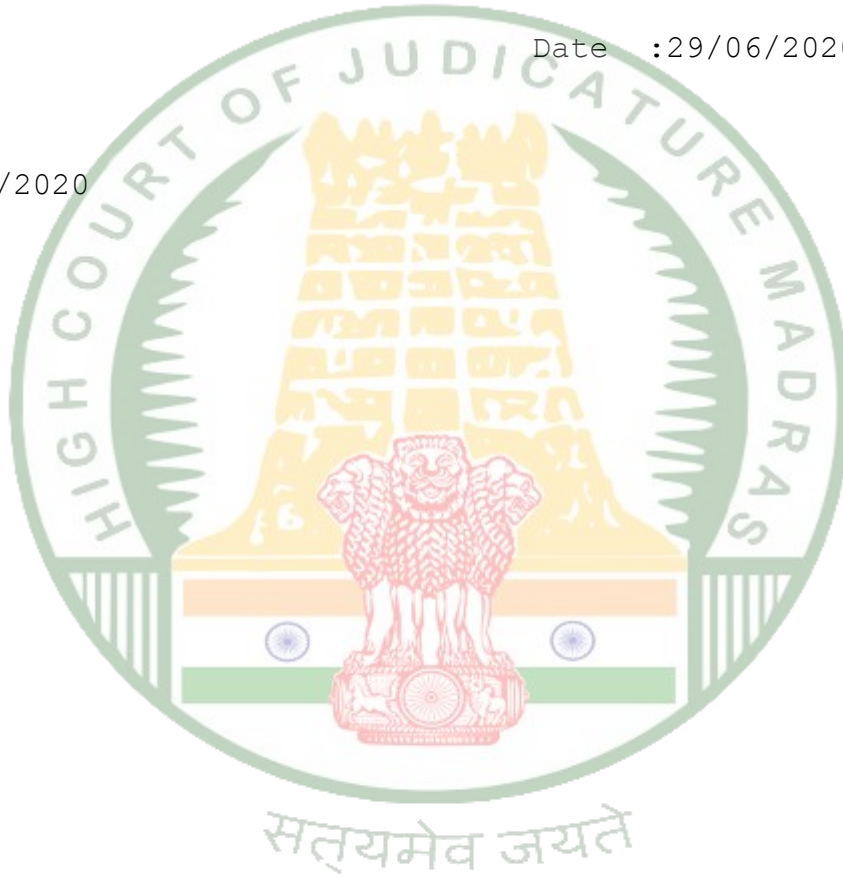
3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.K.THENRAJAN Advocate on payment of necessary charges

CRL OP.9475/2020

Date :29/06/2020

MN-RVR-19/08/2020



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