

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

CrI.O.P.No.9934 of 2020

Murugan

... Petitioner

Vs.

The State Represented by,
The Inspector of Police,
Panamarathupatti Police Station,
Salem District.
(Cr.No.341 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioner on bail in the event of his arrest in Connection with the Crime No.341 of 2020 pending on the file of the respondent police.

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

ORDER

(This case has been heard through video conference)

The petitioner who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 336, 337, 338 of IPC r/w. 174 of Cr.P.C subsequently it was altered into 3, 4 & 6 of Explosive Substances Act, 1908 r/w. Section 302 of IPC, in Crime No.341 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that one Senkodan committed murder of his own brother viz., Mani @ Marimuthu by using explosive substances and the petitioner is the person who sold the explosive substances to the said Senkodan. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the said Senkodan is the main accused who had murdered his brother using the explosives purchased from the petitioner. The petitioner is only a licenced dealer of explosive substances and he was not aware of the intention of

Senkodan who purchased the explosives substances from him. The petitioner was granted interim protection on condition that he shall appear before the Investigating Officer everyday at 10.30 a.m., for the investigation. The petitioner has cooperated with the investigating agency and a statement has also been recorded from him under Section 164 Cr.P.C., in which he had admitted to have sold the explosives substance to Senkodan. Other than that there is no connection with Senkodan who committed the murder. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that pursuant to the interim order, the petitioner has appeared before the respondent police and he has cooperated with the investigation and also given the statement under Section 164 Cr.P.C., before the Additional Mahila Court, Salem in which he stated that the Senkodan had purchased the explosives substances from him for digging in his land and the petitioner had sold the explosives substances to him without the knowledge that he would use it for the said offence. He would further submit that the petitioner has also been treated as a witness and the Investigating Officer has also filed a counter to the effect.

5. Heard the learned counsels and perused the materials on record.

6. In the counter at para 7 it has been stated as follows:

"7. It is humbly submitted that, in these circumstances this Hon'ble Court has passed an interim order on 03.08.2020 with a condition that this petitioner shall appear before me every day at 10.30 A.M., from 05.08.2020 to 14.08.2020 and he shall co-operate in the investigation, but the petitioner has appeared before me only from 07.08.2020 to 14.08.2020, the investigation and the enquiries conducted with the witnesses reveals the involvement of this petitioner in this offence by supplying the explosive to the A1 Sengodan.

8. In these circumstances, the enquiry further reveals that, the accused Sengodan has purchased the explosives from the petitioner saying that he will use them for digging a well in his farm and this petitioner has sold the explosives without the knowledge that the accused Sengodan will use the explosive for the offence he has committed in this case and this petitioner has given a statement u/s 164 Cr.P.C., to this effect before the Hon'ble Additional Mahila Court, Salem and as such this petitioner is arraigned as a witness in this case."

7. In view of the above and recording the same, this Criminal Original Petition is closed.

-sd/-
05/11/2020

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 ADDITIONAL MAHILA COURT,
SALEM.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PANAMARATHUPATTI POLICE STATION,
SALEM DISTRICT.

5 THE SUPERINTENDENT OF POLICE,
SALEM DISTRICT.

CC to M/S.E.KANNADASAN Advocate on payment of necessary charges

CRL OP.9934/2020

Date :05/11/2020

cs 23/11/2020

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