

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2020

CORAM

THE HONOURABLE MR. JUSTICE T.RAVINDRAN

Crl OP.No.11691 of 2020

Mani @ Manikandan
S/o. Ram Moorthy

...Petitioner

Vs.

The State represented by
The Inspector of Police
K-3, Aminjikarai Police Station
Chennai
Cr. No.454 of 2020

...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C. praying to grant Anticipatory Bail to the petitioner in the event of his arrest or surrender in connection with case in Cr. No.454 of 2020 on the file of the respondent police.

For Petitioner : Mr. S.V.Karthikeyan

For Respondent : Ms. M. Prabhavathi
Additional Public Prosecutor

ORDER

Apprehending arrest for the offence punishable under Section 395 IPC in Crime No. 454 of 2020 on the file of the respondent police, the petitioner has come forward with this petition seeking for Anticipatory Bail.

2. This is the fourth Anticipatory Bail Petition preferred by the petitioner.

3. Considering the case projected by the petitioner as well as the submissions put forth by the respondent police, taking into consideration the serious nature and gravity of the crime levelled against the petitioner and the other accused persons involved in the crime and inasmuch as the investigation is not concluded and the other accused person including the petitioner is 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, accordingly, it is noted that the earlier petitions preferred by the petitioner for Anticipatory Bail had come to be dismissed.

4. Now, according to the petitioner, the investigation is almost completed and some of the accused, who had been arrested, had been released on bail and taking note of the abovesaid developments, according to the petitioner, he should be released on bail and he is ready to cooperate with the investigation, if any, conducted by the respondent police.

5. It is put forth by the Additional Public Prosecutor that the investigation is not yet completed and further stated that the petitioner is found to be the principal offender and also contended that apart from this case, the petitioner is also involved in another case in Crime No.455/2020 on the file of the respondent police for the similar offence committed by him on the same date and the petitioner and the another accused person are still to be apprehended and in such view of the matter, if the petitioner is released on bail, he would abscond and cause impediment to the process of further investigation and also the possibility of the petitioner involving in the similar offence not to be ruled out and also further stated that release of some of the accused on bail, *ipso facto*, would not entitle the petitioner to

obtain the relief of pre-arrest bail and thereby, strongly resisted the relief sought for by the petitioner.

6. It is noted that the offence levelled against the petitioner is serious in nature. It is also noted that the petitioner is facing another case in respect of the same offence in Crime No.455/2020. It is further noted that according to the prosecution, the petitioner is the principal offender in the crime and also the investigation is not yet completed. In the light of the abovesaid factors, merely because some of the accused persons had been released on bail, as rightly contended by the Additional Public Prosecutor, the same, by itself, would not enure to the benefit of the petitioner for seeking pre-arrest bail.

7. Considering the abovesaid factors, in my considered opinion, no acceptable change of circumstances has been projected by the petitioner for granting the relief sought for by him, particularly, when the apprehension of the prosecution that the petitioner may abscond and cause hindrance to the process of further investigation and the possibility of the petitioner

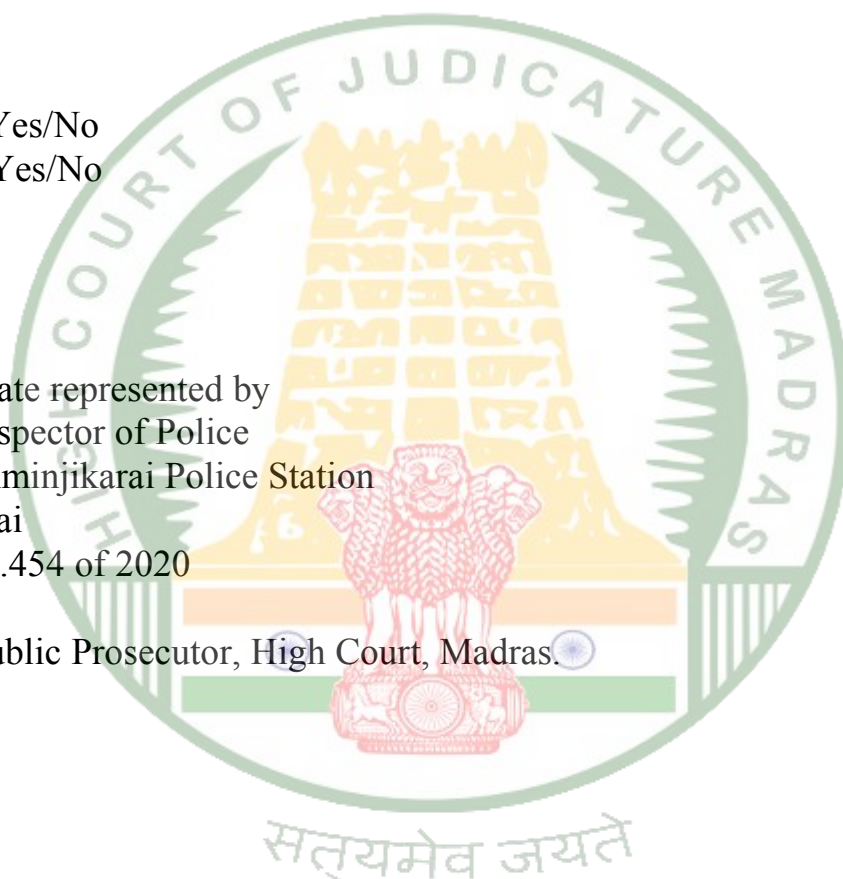
involving in the similar action not to be easily ignored, in all, I am not inclined to grant the relief sought for by the petitioner. In conclusion, the Criminal Original Petition is dismissed.

05.11.2020

Index : Yes/No
Internet: Yes/No
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K-3, Aminjikarai Police Station
Chennai
Cr. No.454 of 2020
2. The Public Prosecutor, High Court, Madras.

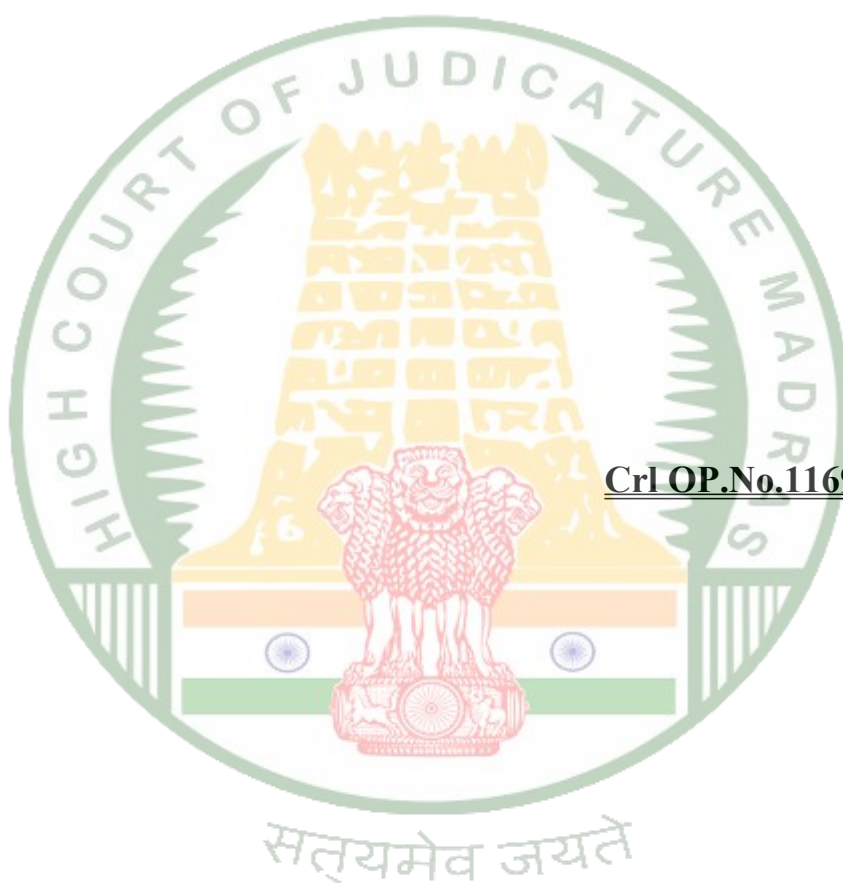


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