

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.09.2020

CORAM:

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.13842 of 2020

Dinesh

... Petitioner

-Vs-

State Rep by
The Inspector of Police,
E-5, Sholavaram Police Station,
Thiruvallur District.
(Crime No.1841 of 2020)

... Respondent

Prayer: Criminal Original petition filed under Section 438 of Code of Criminal Procedure praying to enlarge the petitioner on bail in the event of his arrest by the respondent police in Crime No.1841 of 2020 on the file of the respondent police.

For Petitioner : Mr.P.Chandrasekar

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

ORDER

(This case has been heard through video conference)

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 341, 324, 506 (ii) and 302 of IPC in Crime No.1841 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant Viz., Monohar is that due to previous enmity between the petitioner and the defacto complainant, the petitioner along with other accused committed the murder of his brother Viz., Mani. Hence, the complaint.

3.The learned Counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner voluntarily surrendered on 18.05.2020 before the respondent police and after two days of custody he was handed over to E-3, Minjur Police in Crime No.1662 of 2020 and thereafter this Court enlarged the petitioner on bail in OLBP.No.1115/2020 dated

02.07.2020. He further submitted that at that time the respondent police has not taken any steps to execute PT warrant. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondents submitted that due to previous enmity the petitioner along with other accused Viz., Mathivanan, Surya and Rajesh attacked the defacto complainant with wooden-log and stones, thereby the deceased sustained serious injuries all over the body and thereafter he succumbed to injuries. He further submitted that the petitioner has five previous cases and the petitioner is an habitual offender indulging in rowdy activities, extortion, katta panchayats, etc. Hence, History Sheeter Rowdy Book was opened as against the petitioner. He further submitted that the other accused have been detained. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration that the petitioner is the history sheeter rowdy and there are five previous cases pending against the petitioner and also his name is specifically mentioned in the FIR and also specific overt act attributed as against the petitioner, this Court is not inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this Criminal Original Petition is dismissed.

-sd/-

07/09/2020

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,
NO.II, PONNERI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
E-5, SHOLAVARAM POLICE STATION,
THIRUVALLUR DISTRICT.

CC to M/S.P.CHANDRASEKAR Advocate on payment of necessary charges

CRL OP.13842/2020

Date :07/09/2020