

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.09.2020

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.14137 of 2020

E.Kirubakaran
S/o.Elumalai

... Petitioner

Vs.

State rep.by
The Inspector of Police,
Kalapet Police Station,
Pondicherry- 605 014.
Crime No.98 of 2020

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of his arrest in Crime No.98 of 2020 pending on the file of the respondent police.

For Petitioner : Mr.Soundarvijayarulram

For Respondent : Mr.V.Balamurugane
Additional Public Prosecutor (Puducherry)

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 448 IPC, 307 IPC r/w 34 IPC, in Crime No.98 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the A1/kumar suspected that the defacto complainant's father namely Shake Ismail who is cousin of one Jafferullah was having illicit relationship with his wife and thereby to take revenge, he had engaged hirelings from Tamil Nadu and had continuously attacked the defacto complainant and his family members.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that a false case has been foisted against him and he is the resident of Targunampattu, Chengalpattu District. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor (Pondicherry) submitted that the earlier petition filed by the petitioner was dismissed as withdrawn in Crl.O.P.No.10367 of 2020 and this Court was not inclined to grant anticipatory bail. Suppressing the earlier

dismissal order, the present petition has been filed. He further submitted that as far as the petitioner is concerned he is a notorious element having three previous cases in Tamil Nadu, out of which, one case is registered in Crime No.249 of 2015 for an offence under Section 302 and yet another case registered against the petitioner in Crime No. 236 of 2016 under the 71A of Criminal Law Amendment Act. The Petitioner was engaged by A1 for his Criminal activities in Pondicherry Union Territory. He also submitted that A1 had suspected that the defacto complainant's relative was having illicit relationship with his wife and thereby A1 had engaged hirelings and continuously harrasing and attacking the family members of the person, whom he suspected to have illicit relationship with his wife. Apart from this case there are five cases registered against A1 and investigation has to be conducted whether the petitioner is used by A1 in all other cases. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. The learned counsel for the petitioner submits that he was not informed about the earlier application and its dismissal.

6. Taking into consideration the facts and submissions made by the learned counsels and the criminal antecedents of the petitioner, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

-sd/-

11/09/2020

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 INSPECTOR OF POLICE,
KALAPET POLICE STATION,PONDICHERRY.

2 THE PUBLIC PROSECUTOR
PONDICHERRY.

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

CRL OP.14137/2020

Date :11/09/2020

RD 21/09/2020