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... **Petitioner/Accused No.6**

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 08/01/2020

PRESENT

**The Hon'ble Mr.Justice G.R.SWAMINATHAN**

CRL OP(MD).Nos.6 and 125 of 2020

J.Arun @ Arun Prince ... Petitioner/6<sup>th</sup> Accused  
in Crl.O.P.(MD)No.6 of 2020

Kannan ... Petitioner /Accused No.1  
in Crl.O.P.(MD)No.125 of 2020

Vs

State Rep.by  
The Inspector of Police,  
Eral Police Station,  
Thoothukudi District,  
Crime No.238 of 2019. ... Respondent/Complainant in both Crl.O.Ps.

For Petitioners : M/s.G.Thalaimutharasu,  
Advocate.  
(in Crl.O.P.(MD)No.6 of 2020)  
: Mr.K.Sivabalan, Advocate  
(in Crl.O.P.(MD)No.125 of 2020)

For Respondent : Mr.K.K.Ramakrishnan,  
Additional Public Prosecutor  
(in both Crl.O.Ps.)

PETITIONS FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

**COMMON PRAYER :-**

For Anticipatory bail in Crime No.238 of 2019 on the file of  
the Respondent Police.



**COMMON ORDER :** The Court made the following order :-

Heard the learned counsel appearing for the petitioners and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under sections 147, 342, 347, 364, 302 and 506(ii) of I.P.C., in Crime No.238 of 2019 on the file of the respondent police, seek anticipatory bail.

3. The case involves the death of one Shahul Hameed. The defacto complaint is the brother of the deceased. The prosecution case is that the deceased had borrowed money from the prime accused on exorbitant interest and since he could not repay the same, he was abducted and brutally attacked and that, as a result of the injuries suffered by him, he passed away.

4.Per contra, the petitioner's counsel would contend that the deceased had committed suicide by consuming poison and that they are no way responsible for his death.

5.The petitioner's counsel would also contend that there are too many discrepancies in the prosecution case. While according to the prosecution, the abduction took place on 17.12.2019 at about 08.30 a.m., there are materials to show that Shahul Hameed was admitted in the Hospital even prior to that of 09.00 a.m., itself.

6.The petitioner's counsel would further claim that the prosecution case is inherently improbable.

7.The petitions for anticipatory bail are strongly opposed by the learned Additional Public Prosecutor who would point out that investigation is still pending and that, this being a case of murder, this Court should be slow to grant anticipatory bail. He would point out that the deceased was dropped in a semi conscious condition by the accused and that, they had also taken his thumb impression in some papers and this was videographed by the defacto complainant. He drew my attention to the relevant averments in the FIR also.

8.After carefully considering the rival contentions, I am of the view that this is not a case, in which, anticipatory bail can be granted. This Court must bear in mind that this is a case of murder. Investigation is only at a preliminary stage. There are materials to attribute specific roles to the petitioners herein. It may be that the petitioners were not physically present in the spot. But then, the Car, in which, the deceased was said to have been abducted, bore the sticker "Kannan groups". He is shown as the



9.The learned Additional Public Prosecutor would also state that viscera report is still awaited and that, any grant of anticipatory bail would unnecessarily interfere with the investigation process. I find considerable force in the objection raised by the learned Additional Public Prosecutor. I, therefore, dismiss these criminal original petitions.

sd/-  
08/01/2020

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/ /2020  
Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

TO

1 THE INSPECTOR OF POLICE  
ERAL POLICE STATION, THOOTHUKUDI DISTRICT.

2. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S. K.SIVABALAN, Advocate SR.No.409

ORDER IN  
CRL OP(MD) Nos.6 & 125 of 2020  
Date :08/01/2020

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