



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 16/09/2020

WEB COPY

PRESENT

The Hon'ble Mr. Justice V. BHARATHIDASAN

CRL OP(MD). No.9830 of 2020

B.Ajmal Dhakshin @ Ajmal

... Petitioner/Accused No.10

Vs

The State Rep. by
The Inspector of Police,
Kenikarai Police Station,
Kenikarai, Ramanathapuram District.
(Cr.No.549 of 2020).

... Respondent/Complainant

For Petitioner : M/s.K.Vinayagan, Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

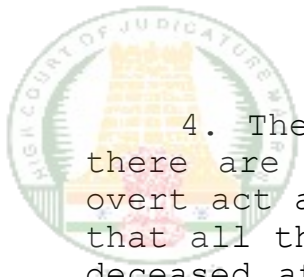
For an Anticipatory Bail in Crime No.549 of 2020 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/A10, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147,148,294(b),342, 323, 324, 307, 506(ii) and 302 of IPC seeks anticipatory bail.

2. The case of the prosecution is that the deceased Arun Prakash and the defacto complainant belong to the same village. On the date of occurrence there was a quarrel between the deceased , A3 and A11 while walking in the road. Thereafter all the accused came in a two wheeler with deadly weapons and attacked the deceased as well as the defacto complainant. So far as this petitioner is concerned he along with other accused attacked the defacto complainant.

3. The learned counsel for the petitioner would submit that since he is the friend of the deceased he has been falsely implicated in this case. He would also submit that the petitioner is an Engineering graduate and he was not present in the scene of occurrence. As per the First Information Report five persons caught hold of the defacto complainant. Hence he may be granted anticipatory bail.



4. The learned Government Advocate(Crl.Side) would submit that there are totally 17 accused and all of them are having specific overt act as per the First Information Report. He would also submit that all the accused persons with the common intention to attack the deceased attacked him deadly weapons and caused his death and also injuries to the defacto complainant. The petitioner herein said to have caught hold of the defacto complainant while other accused persons attacked him. He would also submit that some of the accused persons are still absconding.

5. From the materials available on record, it could be seen that all the accused persons with the common intention to attack the deceased attacked him deadly weapons and caused his death and the petitioner herein caught hold of the defacto complainant while other accused persons attacked him and his name also found place in the First Information Report.

6. Taking into consideration all the facts of the case and the manner in which the offence said to have committed and also the fact that some of the accused persons are still absconding, this Court is not inclined to grant anticipatory bail to the petitioner.

7. Hence this petition stands dismissed.

sd/-
16/09/2020

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE INSPECTOR OF POLICE,
KENIKARAI POLICE STATION,
KENIKARAI, RAMANATHAPURAM DISTRICT.
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+ 1 CC TO Mr.K.VINAYAGAN, ADVOCATE IN SR No. 6494

ORDER IN
CRL OP(MD) No.9830 of 2020
Date :16/09/2020