



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/11/2020

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.10352 of 2020

Jd Vijayan

... Petitioner/Accused No.3

Vs

The State Represented by
The Inspector of Police,
Checkanurani Police Station, Madurai.
Crime No.894/2020.

... Respondent/Complainant

For Petitioner : M/s.Veera kathiravan
Senior Counsel for Veera Associates,

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

For Intervenor :Mr.R.Ravi, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.894 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 109 r/w.302 of IPC seeks anticipatory bail.

2. The case of the prosecution is that on 06.06.2020 the deceased left his house and stayed at Thirumangalam and thereafter on 07.06.2020 the deceased went along with his friends for a party and while being so, at about 1.00 pm., the defacto complainant received a phone call and came to under stand that the deceased was murdered by the first accused. Further alleged that one Sarath Kumar who is working as a driver in the house of the petitioner herein and he is also a close relative of the deceased said to have loved the daughter of the petitioner herein and the deceased said to have married her and settled them at Chennai. Due to which

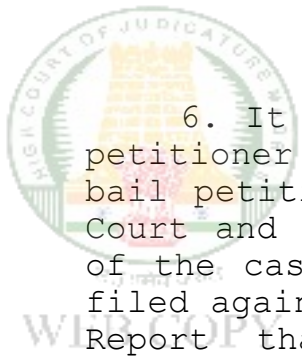


the petitioner developed grudge against the deceased and conspired with other accused persons and murdered the deceased.

3. The learned Senior Counsel appearing for the petitioner submitted that there are five accused in this case and the petitioner herein is arrayed as A3. A4 happens to be an Advocate and A3 said to have arranged A1 and A2 to do away the life of the deceased. He further submitted that A1 was detained under Act. 14 and A2 was released by this Court. He further submitted that the occurrence had taken place on 07.06.2020 in the early hours and the defacto complainant herein was witness to the said occurrence and absolutely there is no eye witness to the said occurrence. Even according to the defacto complainant there is absolutely no overt act as against the petitioner except the previous threatening calls by the first accused to the deceased. The petitioner has nothing to do with the allegations as well as the death of the deceased. Only on the confession statement of A1 and A2 the petitioner has been implicated as an accused. He further submitted that the first accused was a distant relative of A3 and the daughter of A3 was married to one Sarath Kumar and he was working under the petitioner and subsequently had love affair. Thereafter they got married and they are living separately for the past two years. Therefore the entire allegations are vague and bald and absolutely there is no motive for the petitioner to engage the other accused and do away the life of the deceased. He further submitted that the respondent police completed investigation and filed absconding charge sheet before the concerned court and it is pending committal. Therefore custodial interrogation of the petitioner is not necessary, hence prayed for anticipatory bail.

4. The learned counsel for the intervenor / defacto complainant vehemently opposed to grant bail to the petitioner stating that there is a strong motive for the petitioner to commit the murder of the deceased.

5. The learned Government Advocate(Crl.Side) would submit that it is a case of 302 of IPC and the petitioner is arrayed as A3, totally five accused in this case. A1 ,A2 and A5 arrested by the police. A1 and A2 detained under Act. 14. A4 still absconding. According to the case of the prosecution the petitioner's daughter got married with one Sarathkumar, the said Sarathkumar was working under the petitioner through the deceased Manikandan. After the marriage the deceased Manikandan helped Sarath Kumar which created motive and on that motive there was a conspiracy and due to the furtherance of conspiracy on the date of occurrence A1 and A2 attacked the deceased indiscriminately and caused death of the deceased. Now absconding charge sheet has been filed against the petitioner in PRC 10 of 2020 on the file of learned Judicial Magistrate No. II Usilampatti. NBW is pending against the petitioner.



6. It is seen that there are five accused in this case and the petitioner herein is arrayed as A3. This the the third anticipatory bail petition and the earlier two petitions were dismissed by this Court and absolutely there is no change in facts and circumstances of the case except the fact that absconding charge sheet has been filed against the petitioner. It is seen from the First Information Report that there is specific overt act against the petitioner and also that the petitioner herein only arranged other accused persons to do away the life of the deceased. The allegations clearly shows that there is a motive for the petitioner to do away the life of the deceased. It is a case of 302 IPC and as such the petitioner is not entitled for bail.

7. Hence the petition stands dismissed. However the learned Senior Counsel appearing for the petitioner submitted that the petitioner is ready and willing to surrender before the concerned Magistrate. Considering the above, if the petitioner surrender and file a petition for bail, the learned Magistrate is directed to dispose of the bail petition on merits and in accordance with law.

sd/-

03/11/2020

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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 JUDICIAL MAGISTRATE NO.II, USILAMPATTI.
2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
CHECKANURANI POLICE STATION, MADURAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.VEERA ASSOCIATES, Advocate (SR-7271[I] dated 04/11/2020)

ORDER IN

CRL OP(MD) No.10352 of 2020

Date :03/11/2020

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