



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

Date : 29/10/2020

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PRESENT

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

CRL OP(MD). No.11586 of 2020

B.Raman ... Petitioner/Accused No.12

Vs

State Rep. by
The Inspector of Police,
Austinpatti Police Station,
Madurai District
Crime No. 1747 of 2020. ... Respondent/Complainant

For Petitioner : M/s.J.Jeyakumaran,
Advocate.

For Respondent : Mr.Kr.Bharathi Kannan,
Government Advocate (Crl.Side)

For Intervener : Mr.R.Anand, Advocate

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

PRAYER :- For Anticipatory Bail in Crime No.1747 of 2020 on the
file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner who is arrayed as A-12 apprehending arrest at the hands of the respondent police for the offences punishable under sections 147, 148, 324, 506(ii), 302 r/w 115, 120(B) of IPC., in Crime No.1747 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that totally there are 13 accused persons have involved in the case of murder and the petitioner is arrayed as A-12. On 15.09.2020 all the accused persons said to have brutally assaulted the deceased and two other persons. The deceased has sustained grievous injuries and admitted in the Government Hospital, Thirupparakundram on 15.09.2020, thereafter, he died. Further, the two other persons also got injured during the occurrence. Hence, a complaint has been registered.



3. Heard the learned Counsel appearing for the petitioner and the learned Government Advocate (criminal side).

4. The learned counsel appearing for the petitioner would submit that the petitioner is no way connected with the accused persons and her name is not found in the FIR. He further submitted that, even, in the alteration report filed by the respondent police, there is no allegations as against the petitioner and as such he sought for anticipatory bail.

5. The learned Government Advocate (criminal side) appearing for the respondent police has submitted that, due to previous enmity between the A-1 and the deceased, in respect of A-1's sister marriage, the petitioner conspired with all other accused persons and brutally attacked the deceased. He further submitted that infact, two other persons also got injured and as such the petitioner has got specific over tact and there are materials for conspiracy with other accused. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

6. The learned counsel appearing for the intervener would submit that the petitioner has conspired with other accused persons and brutally attacked the deceased. He would further submit that A-1's sister got married to the defacto complainant and there is a misunderstanding between them and as such a divorce petition is pending on the file of the Family Court, Madurai.

7. It is seen from the records that, initially the respondent police has registered a case against A-1 & A-2, after investigation, they have filed alteration report against 13 accused persons and the petitioner was arrayed as A-12. Though, the petitioner name is not found in the FIR, he conspired with the other accused persons and brutally attacked the deceased. It is also seen that A-1's sister got married to the defacto complainant and thereafter, constrained relationship between them and also HMOP proceeding is pending before the Family Court, Madurai and in respect of there was an enmity and therefore, the petitioner has got specific over tact in the case. Further, it is a case of murder. Therefore, this Court is not inclined to grant anticipatory bail to the petitioner.

8. Accordingly, the Criminal Original Petition stands dismissed.

sd/-
29/10/2020

/ TRUE COPY /

/ /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.

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- TO
- 1 THE INSPECTOR OF POLICE,
AUSTINPATTI POLICE STATION,
MADURAI DISTRICT.
 - 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.11586 of 2020
Date :29/10/2020

ksa
JM/VR/SAR IV/11.11.2020/3P/3C