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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/11/2020

PRESENT

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

CRL OP(MD). No.11912 of 2020

B.Ushman

... Petitioner/Rank not known

Vs

The State through
The Inspector of Police,
Devipattinam Police Station,
Ramanathapuram District.
Cr No. 366/2020.

... Respondent/Complainant

For Petitioner : Mr.P.Manikandan,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No. 366 of 2020 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A9, apprehending arrest at the hands of the respondent police for the offences punishable under sections 147, 294(b), 342, 323, 365 and 506(ii) of IPC, in Crime No.366 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is used to get the smuggle gold from Sri lanka sea border and handed over the same to the first accused. While being so, on 24.09.2020, as directed by the first accused, the defacto complainant went to the Srilanka sea border and received smuggle gold and handed over the same to the first accused. Thereafter, the first accused found that some of the smuggle gold were added more copper. Therefore, the first accused along with the petitioner have kidnapped the defacto



complainant and attacked him with weapons. Hence, the present complaint.

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

4. The learned counsel appearing for the petitioner submitted that the petitioner is an unnamed accused and his name is not found in the FIR. He further submitted that based on the confession statement of A1, the petitioner has been falsely implicated in this case. He further submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Hence, he seek anticipatory bail.

5. The learned Government Advocate (Crl. Side), appearing for the respondent police submitted that totally there are nine accused, in which, the petitioner has been arraigned as A9. He further submitted that the petitioner and A1 have directed the defacto complainant to smuggle the gold from Sri Lanka Sea border to India. According to them, on 24.09.2020 as directed by the first accused, the defacto complainant went to the Srilanka sea border and received smuggle gold and handed over the same to the first accused. Thereafter, the first accused found that some of the smuggle gold were added more copper. Therefore, the first accused along with the petitioner have kidnapped the defacto complainant and attacked him with weapons. He further submitted that the custodial interrogation of the petitioner is very much required, since it is very serious crime.

6. On perusal of the materials available on records, it is seen that totally there are nine accused in this case, in which, the petitioner has been arraigned as A9. Even according to the case of the defacto complainant, as directed by A1, they smuggled gold from Sri Lanka sea border to India, in which, there was a dispute between them about the quality of the gold. However, all the accused along with the defacto complainant have committed very serious offence and as such the custodial interrogation of the petitioner is very much required, considering the above facts and circumstances of the case, this Court is not inclined to grant anticipatory bail to the petitioner.

7. Accordingly, this criminal original petition is dismissed.

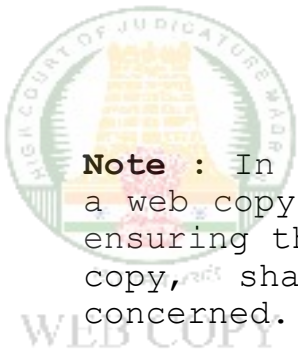
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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

ORDER
IN
CRL OP (MD) No.11912 of 2020
Date :02/11/2020

VSG
TE/JC/SAR-IV : 04/11/2020 : 3P/3C