



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

Date : 04/11/2020

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PRESENT

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

CRL OP(MD). No.12379 of 2020

Shanmuganathan

... Petitioner/Accused
Rank Not Known

Vs

The State rep.by
The Inspector of Police,
Kovilangulam Police Station,
Ramanathapuram District.
Crime No.21 of 2020.

... Respondent/Complainant

For Petitioner : Mr.M.S.Jeyakarthik,
Advocate.

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

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

PRAYER :-

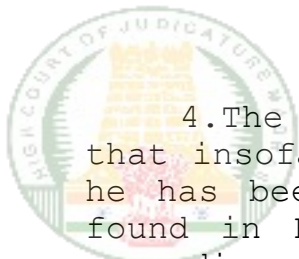
For Anticipatory bail in Crime No.21 of 2020 on the file of the respondent Police

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A13, apprehending arrest at the hands of the respondent police for the offences punishable under sections 147, 148 and 302 of IPC, in Cr No.21 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that all the accused persons were said to have abducted the deceased and attacked him with deadly weapon and brutally murdered him. Therefore, the deceased sustained grievous injury and subsequently died. Hence, the 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 insofar as the petitioner is concerned due to previous enmity, he has been impleaded as an accused. In fact, his name does not found in FIR and he has arrayed as A13 out of 25 accused. Even according to the case of the prosecution, there is no overt act as against the petitioner. He further submitted that the other accused persons have arrested and released on bail. Only the allegation as against the petitioner is that he watched the movement of the accused and informed the same to the other accused persons. Hence, he prayed to anticipatory bail to the petitioner.

5.The learned Government Advocate (Crl. Side), on instructions, submitted that all the accused persons went to the place of occurrence and abducted the deceased and attacked him with deadly weapon and brutally murdered him. Insofar as the petitioner is concerned, he is arrayed as 13th accused out of 25 accused persons. He along with other accused persons stopped the deceased and prevented him to escape from the scene of occurrence. All are having common intention to murder the deceased. Therefore, the petitioner has played very crucial role. Hence, he opposed to grant anticipatory bail to the petitioner.

6.It is seen that this is the second anticipatory bail petition for the petitioner. There are totally 25 accused, in which, the petitioner is arrayed as A13. According to the case of the prosecution, all the accused persons went to the place of occurrence with deadly weapon and brutally attacked the deceased and murdered him. Insofar as petitioner is concerned, he prevented the deceased from escaping the place of occurrence. With a common intention to murder the deceased, all were went to the place of occurrence. Since the case was filed under Section 302 IPC, the petitioner is not entitled to anticipatory bail.

7.Considering the above facts and circumstances, this Court is not inclined to grant anticipatory bail to the petitioner.

8.Accordingly, this Criminal Original Petition stands dismissed.

sd/-
04/11/2020

/ 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



TO

1. THE INSPECTOR OF POLICE,
KOVILANGULAM POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

ORDER

IN

CRL OP(MD) No.12379 of 2020

Date : 04/11/2020

DSS

TK/PN/SAR.2/18.11.2020/3P/3C