



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

Date : 02/12/2020

PRESENT

The Hon`ble Mr.Justice S.M.SUBRAMANIAM

CRL OP(MD). No.13826 of 2020

Baskaran

... Petitioner/Accused No.4

Vs

State rep.by
The Inspector of Police,
Samayanallur Police Station,
Madurai District.
Crime No.1641/2020.

...Respondent/Complainant

For Petitioner : M/s.R.Kannan,
Advocate.

For Respondent : M/s.M.Anantha Devi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 1641 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

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

2.The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 341, 342, 324, 506(ii) and 307 of IPC., in Crime No.1641 of 2020, on the file of the respondent Police, seeks anticipatory bail.

3.The Petition for Anticipatory Bail is filed by the petitioner mainly on the ground that he is the father of the first accused, but unconnected with the alleged occurrence.

4.The learned counsel for the petitioner reiterated that the petitioner is an innocent person. The learned counsel for the petitioner made an attempt to convince this Court by narrating the facts and circumstances regarding the scene of occurrence.



5. In an Anticipatory Bail Application, High Court cannot consider those facts and circumstances now narrated by the petitioner. All these defence are to be investigated by the respondent Police and the truth must be culled out in order to prosecute the accused persons. Contrarily, the High Court cannot give findings with reference to the facts now narrated by the petitioner.

6. Grant of bail is the Rule and its denial is an exception. However, the Courts are to be cautious, while considering the Anticipatory Bail Petition. In the present case, four accused persons have involved. Three accused persons, including the sons of the petitioner, were arrested and remanded to Judicial custody on 18.11.2020. It is brought to the Notice of this Court that A1 and A2 are sons of A4. At the outset, two sons of the petitioner have also involved in the alleged occurrence. The two sons were arrested and another accused was also arrested. However, the petitioner alone was not arrested, for the reasons not known to this Court.

7. The Inspector of Police is present before this Court. However, there is no convincing reasons, for not arresting the petitioner / A4. The Police Officials are to be fair and reasonable in conducting the investigation in such criminal cases. They are not empowered to show any mercy or concession in respect of the accused persons, who are all absconded. Though it is stated that the petitioner is absconding, there is no reason to believe the statement, in view of the fact that A1 and A2 are the sons of the petitioner and those two accused were arrested and remanded to judicial custody. Thus, some concession is shown, which is certainly unwarranted and the Police Officials are not only expected to be fair, but to be vigilant and efficient in nabbing the criminals and prosecute them, by following the procedures contemplated under the Code. Thus, the Police Officials are expected to act swiftly in such circumstances.

8. The Inspector of Police now made a submission that they will take sincere efforts to arrest the accused, as quickly as possible. However, the action to be taken is unconnected with the present bail application. The Petition for anticipatory bail is filed as a 2nd time. The petitioner is still absconding. The other 3 accused persons were arrested. Thus, an investigation and interrogation is certainly required, in view of the fact that there was an allegation against the petitioner that he caught hold of the hands of the victim, when the other accused stabbed the victim with knife. When there is a specific overt act as against the petitioner regarding his involvement in the alleged occurrence, there is no reason to consider the petition for anticipatory bail and all the facts and circumstances as well as the truth behind the occurrence is to be culled out by conducting an investigation and in the event of



hamper the investigation, which is not preferable. Thus, this Anticipatory Bail Petition stands dismissed.

sd/-
02/12/2020

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/ /2020

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

TO

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

COPY TO:

- 1.THE REGISTRAR GENERAL,
MADRAS HIGH COURT, CHENNAI.
- 2.THE ADDITIONAL REGISTRAR GENERAL,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.13826 of 2020
Date :02/12/2020

MPK
TK/AKM/SAR.4/04.12.2020/3P/5C