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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/12/2020

PRESENT

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

CRL OP(MD). No.13708 of 2020

Athinarayanan ... Petitioner/Accused No.5

Vs

The State rep. by
The Inspector of Police,
Tirumangalam Town Police Station,
Madurai.
Crime No.1227 of 2020. ... Respondent/Complainant

For Petitioner : M/s.K.Sankar,
Advocate.
For Respondent : Mr.K. Suyambulinga Bharathi,
Government Advocate (Criminal Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.1227 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A-5 apprehending arrest at the hands of the respondent police for the offences punishable under sections 147, 148, 342, 302 and 109 of IPC, in Crime No.1227 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that one Manikandan was murdered by the deceased and others and the said Manikandan belongs to the community of the petitioner and other accused persons. Therefore, the petitioner and others were engaged the other accused persons to do away the life of the deceased and attacked brutally by deadly weapons and therefore, he sustained injuries and died. Hence, a complaint has been registered.

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

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4.The learned counsel appearing for the petitioner would submit that the petitioner is a President of one Maruthu Senai Movement and he has conducted so many procession and meetings for the welfare of the downtrodden people in the said locality. He would further submit that the petitioner was arrayed as an accused only based on the confession statement of the co-accused person. Even according to the case of the prosecution, there is no single peace of evidence to show that the petitioner has also involved in the case of murder. Admittedly, the petitioner was not present in the scene of occurrence and no specific over tact against the petitioner and only with malafide intention, the petitioner was arrayed as accused in this case. Hence, he seeks anticipatory bail.

5.The learned Government Advocate (criminal side)appearing for the respondent police would submit that totally there are seventeen accused persons and the petitioner was arrayed as A-5. The present murder is nothing, but retardation murder, since one Manikandan was murdered by the deceased and the said Manikandan belongs to the petitioner's community and show the strength and power in the said locality the petitioner and the other accused persons engaged to do away the lie of the deceased. After the occurrence, this petitioner has only provided shelter to the other accused persons and therefore, the petitioner is a master mind behind the crime. He would further submit that the custodial interrogation of the petitioner is very much required in this case and he strongly opposed to grant anticipatory bail to the petitioner.

6.It is seen from the records that, there are totally 17 accused persons and the petitioner was arrayed as A-5. Though, the petitioner was not present in the scene of occurrence, he only engaged the other accused persons to do away the life of the deceased and committed murder on the deceased. Infact, one Manikandan was murdered by the deceased and the said Manikandan belongs to the community of the petitioner herein. On perusal of the confession statement of the other accused persons revealed that the petitioner has provided cash and shelter to the accused persons after the offence committed by them. It is a case of murder and as such the petitioner is having specific over tact and he is a master mind behind the entire crime. Therefore, this Court is not inclined to grant anticipatory bail.

7.Accordingly, the Criminal Original Petition stands dismissed.

sd/-
02/12/2020

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

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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,
   TIRUMANGALAM TOWN POLICE STATION,
   MADURAI.

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

ORDER
IN
CRL OP(MD) No.13708 of 2020
Date :02/12/2020

KSA
SRS/JC/SAR-II/09.12.2020/3P/3C

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