



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/12/2020

WEB COPY

PRESENT

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

CRL OP(MD) . No.14155 of 2020

P.Chandran

... Petitioner/Accused No.1

Vs

State rep.by

The Inspector of Police,
Kenikarai Police Station,
Ramanathapuram District.
Crime No. 289/2018.

... Respondent/Complainant

For Petitioner : M/s.K.Jeyamohan,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.289 of 2018 on the file of
the Respondent Police

ORDER : The Court made the following order :-

The petitioner, who apprehend arrest at the hands of
the respondent police for the offences punishable under Sections
120(b),147,148,149, 302 of IPC and Section 5 of Explosive Substances
Act, 1908 seeks anticipatory bail.

2. The case of the prosecution there was a clash between the
accused group and the defacto complainant group on respect of
constructing a new temple and also celebrating function in respect
of their temple. So far as four murder have taken place between the
two groups. Recently the brother of A6 was murdered by the deceased
and others. The deceased was granted bail and he was directed to
appear before the Investigating Officer for investigation. While he
was before the Investigating Officer, all the accused persons



conspired together and engaged hirelings to do away the life of the deceased and thrown country bomb and thereby he sustained injuries along with other persons and died and it is a case of double murder.

3. The learned counsel for the petitioner would submit that the petitioner is an Advocate for the accused persons in respect of murder in which the deceased person was a prime accused. Since he happen to be the advocate for the petitioner he has been falsely robed into this crime. He never engaged other accused to do away the life of the deceased now he is in Malaysia and doing hotel business. He further submitted that the respondent police completed investigation and also filed final report before the concerned Court and the same is yet to be taken cognizance and some of the co-accused in this case were arrested and subsequently released on bail. He further submitted that initially a case was registered against 25 persons and now charge sheet has been laid against 16 persons. The petitioner is also standing in the same footing of the other accused persons whose names were deleted from the charge sheet. Therefore custodial interrogation of the petitioner is not necessary and hence he sought for anticipatory bail.

4. The learned Government Advocate(Crl.Side) would submit that the petitioner is the master brain behind the entire crime. The accused group and the deceased group are close relatives and they had dispute in respect of worshipping temple. Though they had separate temple for each of them in respect of that there was previous enmity between two groups. So far as four murder has taken place in two groups. The brother of A6 was murdered by the deceased and other accused persons. Therefore the petitioner and his relatives decided to do away the life of the decided and engaged other accused persons who are hirelings and thrown country bomb, due to which the deceased and other person died. In so far as the petitioner is concerned though he is a practising advocate he is a prime accused in this case and there are materials available to implicate the petiitoner as prime accused in this case. Therefore custodial interrogation of the petitioner is very much required and hence he seeks for dismissal of the petitioner.

5. It is seen that there are totally sixteen accused in this case and the petitioner herein is arrayed as A1. There was previous enmity between the petitioner group and the deceased group in respect of constructing temple and also constructed separate temple. Four murder have taken place between the two groups. A6 was murdered by the deceased and others, due to which the first accused conspired with other accused persons and engaged hirelings and thrown country bomb, in which the deceased and other person sustained grievous injuries and died. Though the respondent police completed investigation and filed final report custodial interrogation of the petitioner is very much required in this case. Since it is a case of double murder, the petitioner is not entitled



6. Hence the petition stands dismissed. Further it is also seen that even as per the confession of the petitioner, he is not in India and he escaped to Malaysia and doing hotel business. Therefore the respondent police is directed to take steps to secure the petitioner and proceed in accordance with law.

sd/-
07/12/2020

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/ /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.

TO

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

ORDER
IN
CRL OP(MD) No.14155 of 2020
Date : 07/12/2020

AAV
AE/JC/SAR-IV (10.12.2020) 3P / 3C