



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

Date : 08/12/2020

PRESENT

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

CRL OP(MD) . No.14289 of 2020

Muthukumar @ Muthukani ... Petitioner/Accused Rank Not Known

Vs

The State rep.by its
The Inspector of Police,
Uthumalai Police Station,
Tirunelveli District.
Crime No. 491 of 2020.

... Respondent/Complainant

For Petitioner : M/s.S.Sivakumar,
Advocate.

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

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

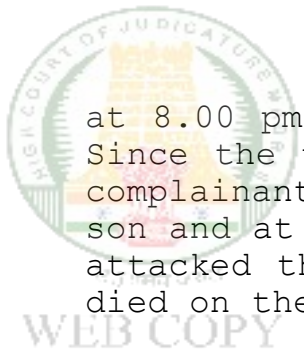
PRAYER :-

For Anticipatory Bail in Crime No.491 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 302(a), 147,148,302 r/w.109 IPC r/w.147,148,302,212,120(b) r/w.109 of IPC seeks anticipatory bail.

2. The case of the prosecution is that there was some previous enmity between one Serman and Murugesan. Whileso, on the date of occurrence the defacto complainant's son Sivanraj(victim) along with the Serman attempted to kill one Samudrakani and thereafter the victim was arrested and enlarged on bail. It is further alleged that on 22.11.2020 the victim informed that he is going to Sermathi shop



at 8.00 pm., wherein he was chatting with Selvakumar and Inbaraja. Since the victim has not returned even after 8.30 pm., the defacto complainant along with her husband and daughter went to search his son and at that time all the accused persons conspired together and attacked the deceased and went away, due to injuries sustained he died on the spot. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and a false case has been foisted against the petitioner. He would also submit that the name of the petitioner does not found place in the First Information Report and he has been implicated only based on the confession given by the co-accused. Hence he may be granted bail.

4. The learned Government Advocate(Crl.Side) would submit that there was previous enmity between one Serman and Murugesan. On the date of occurrence on 22.11.2020 when the victim went to the Sermathi shop and chatting with Selvakumar all the accused persons conspired together and the attacked the deceased and caused his death.

5. It is seen that there are two groups. Due to previous enmity the petitioner's group intended to do away the life of the deceased, therefore they all conspired together with other accused persons and A1 to A4 attacked the deceased with deadly weapons, due to which the deceased died. In fact the petitioner also joined with other accused persons and intended to murder the deceased. After committing offence the petitioner herein provided shelter to the co-accused persons and also equally participated in the conspiracy. It is also seen that specific overt act has been attributed as against the petitioner. Since it is a case of 302 of IPC, custodial interrogation of the petitioner is very much required and further the occurrence took place only on 22.11.2020, hence this Court is not inclined to grant anticipatory bail to the petitioner.

6. In the result, the petition stands dismissed.

sd/-
08/12/2020

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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,
UTHUMALAI POLICE STATION,
TIRUNELVELI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.14289 of 2020

Date :08/12/2020

AAV

AE/SMA/SAR-II (11.12.2020) 3P / 3C