



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/12/2020

PRESENT

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

CRL OP(MD). No.15217 of 2020

Abdul Nijam

... Petitioner/Accused No.17

Vs

The State Rep. by
The Inspector of Police,
Kenikarai Police Station,
Ramanathapuram District.
(Crime No.549 of 2020).

... Respondent/Complainant

For Petitioner : Mr.J.Vishnu,
Advocate.

For Respondent : Mrs.M.Ananthadevi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.549 of 2020 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A-17, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294 (b), 342, 323, 324, 307, 506(ii) and 302 of IPC, in Crime No.549 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. Heard both sides.

3.The case of the prosecution is that on 31.08.2020, the accused person went to the place of occurrence and also attacked the defacto complainant and another. There are two groups. Due to previous motive, the accused group, went to the place of the defacto complainant's group and attacked the deceased with deadly weapons. Due to which, the deceased sustained grievous injuries and died.



Further they have attacked another person and the defacto complainant. Due to which, they were also sustained injuries.

4. The learned counsel for the petitioner would submit that the petitioner's name was not found in the FIR and he has been implicated as an accused only on the confession statement of co-accused. The petitioner is a educated person and he is searching for job. Under these circumstance, this case has been lodged as against the petitioner. Hence, he prayed for grant of anticipatory bail to the petitioner.

5. The learned Government Advocate (Crl.Side) submitted that there are totally 17 accused in which, the petitioner caught hold of the deceased and the other accused persons have attacked him. Therefore, he also played main role in the crime. Though the petitioner's name was not found in the FIR, on the confession statement of all other co-accused persons, the petitioner has been implicated as an accused and the accused were arrested and remanded to judicial custody. He further submitted that the case under Section 302 of IPC, when the petitioner is having specific overt act, he is not entitled for anticipatory bail.

6. It is seen that totally there are 17 accused in which, the petitioner is arrayed as 17 accused. According to the case of the prosecution, all the accused persons belongs to one group, the defacto complainant and the deceased belongs to other group. Due to previous motive, the accused persons went to the place of the defacto complainant and attacked him with the knife and aruval. Due to grievous injury, the deceased died and another person got injury and he was discharged from the hospital. Insofar as the petitioner is concerned though his name was not found in the FIR, he was impleaded as an accused based on the confession statement of A3 that the petitioner caught hold of the deceased and the other accused persons were attacked the deceased with knife and aruval. Due to grievous injury, the deceased died and another person got injury.

7. This is the second application and there is no change of circumstances to entertain this application. Taking into consideration the above facts, this Court is not inclined to grant anticipatory bail to the petitioner.

8. Accordingly, this Criminal Original Petition stands dismissed.

sd/-
18/12/2020

/ TRUE COPY /

/ /2021

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.15217 of 2020
Date :18/12/2020

VSG
TE/SMA/SAR-I : 06/01/2021 : 3P/3C