



WEB COPY

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

Date : 30/12/2020

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

CRL OP (MD) . No.16091 of 2020

Marikani

... Petitioner/Accused No.9

Vs

The State Rep. by
The Inspector of Police,
Uthumalai Police Station,
Tenkasi District.
(Crime No.491/2020)

... Respondent/Complainant

For Petitioner : M/s.Indrachithu.T,
Advocate.

For Respondent : Mr.R.Erottuchamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.491/2020 on the file of the respondent police.

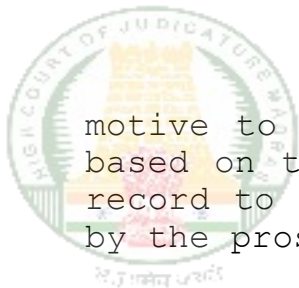
ORDER : The Court made the following order :-

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 section 302 of I.P.C., in Crime No.491 of 2020 on the file of the respondent police, seeks anticipatory bail.

3. The case of the prosecution is that due to previous enmity, accused persons attacked the deceased with Aruval by receiving the same from the petitioner. Hence, the case.

4. The learned counsel for the petitioners submitted that Accused Nos. 1 to 8 belong to same community and the petitioner belongs to another community. The petitioner is not having any



motive to attack the deceased. The petitioner was implicated only based on the confession statement given by A1. There is nothing on record to show that the petitioner committed the offence as alleged by the prosecution.

5. The learned Government Advocate (Crl. Side) submitted that based on the confession statement given by A1, the petitioner was arrayed as A9. There was clash between two groups due to previous enmity. This petitioner helped the accused by way of providing weapons. The petitioner is having two previous cases.

6. It is a case of murder. According to the learned Government Advocate (Crl. Side), there was a group rivalry, in which the petitioner alleged to have supplied Aruval to the accused, who have assaulted the deceased. According to the petitioner's counsel, even in the confession statement the co-accused, this petitioner was not stated to have any motive. But, no compelling circumstances have been brought on record to exercise the discretionary power for grant of anticipatory bail. Considering the serious nature of offence and the alleged overt-act attributed against the petitioner, I am not inclined to grant anticipatory bail to the petitioner. This criminal original petition is dismissed.

sd/-
30/12/2020

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/ /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,
UTHUMALAI POLICE STATION,
TENKASI DISTRICT.
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER IN
CRL OP(MD) No.16091 of 2020
Date :30/12/2020

IAS/RM

<https://hcservices.ecourts.gov.in/hcservices/>

TE/RV/SAR-111 : 04/01/2021 : 2P/3C