

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Cr1.O.P.No.3738 of 2021

1.S.Munusamy

... Petitioners

2.Ashok Kumar R.

Vs.

State rep. By

... Respondent

The Inspector of Police,
Udumalpet Police Station,
Tiruppur.

(Crime No.77 of 2021)

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on bail in the event of their arrest in Crime No.77 of 2021 on the file of respondent police.

For Petitioners : Ms.A.Rajeswari Karthikeyan

For Respondent : Mr.S.Karthikeyan,
Addl. Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioners are arrayed as A2 and A3. They apprehend arrest at the hands of respondent police for the offence punishable under Sections 341, 307 of I.P.C. in Crime No.77 of 2021 on the file of respondent police and now, he has filed this petition for anticipatory bail.

2. The case of the prosecution is that A1 in this case said to have illicit intimacy with the injured person, and feeling that the defacto complainant may hinder their affair, A1 along with the petitioners have engaged A3 to A9, who are hirelinks to murder the injured. A3 to A9 attacked the injured person and caused serious injury, however, he survive. In the said circumstances, the criminal case has been registered against the petitioner. Now, it is stated that A1 was arrested and released on bail and the other accused are arrested and they are in judicial custody. Now, seeking bail, the present petition has been filed.

3. The learned counsel appearing for petitioners would submit that the specific overtact attributed only against A3 to A9. He would submit that now A1 was arrested and released on bail and the injured was also discharged from the hospital. He would submit that they are innocent persons and they are no way connected with the offence as alleged in the complaint. He would also submit that they have falsely implicated in the present case. Hence, he prayed to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for respondent would submit that the petitioner is a main man and he only has engaged all the accused to murder the injured person. Hence, he has opposed to grant bail to the petitioner.

5. Taking into consideration of the fact that the petitioners are only instrumental in engaging hirelinks A3 to A9, attacked the deceased and caused injury and some of arrested accused are in judicial custody. Therefore, this is not a fit case to grant anticipatory bail to the petitioners. Accordingly, this Criminal Original Petition is dismissed.

-sd/-

25/02/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, UDUMALPET.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
UDUMALPET POLICE STATION,
TIRUPPUR.

+1 CC to M/S.A.RAJESWARI KARTHIKEYAN Advocate on payment of
necessary charges SR.NO.2347

CRL OP.3738/2021

Date :25/02/2021