

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2021

CORAM

THE HON'BLE MR. JUSTICE A.D. JAGADISH CHANDIRA

Crl. O.P. No. 6266 of 2021

A.Dinesh Babu

... Petitioner

-VS-

State Rep. by
The Inspector of Police,
Cheyyar Police Station,
Thiruvannamalai.
(Crime No. 686 of 2019)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, 1973, praying to enlarge the Petitioner on bail in the event of his arrest in Crime No. 686 of 2019 on the file of the Respondent.

For Petitioner : Mr. E.Viswanathan

For Respondent : Mr. L.Charles Prem Kumar,
Government Advocate (Criminal Side)

ORDER
(The case has been heard through video conference)

The Petitioner, who apprehends arrest at the hands of the Respondent Police for the offences publishable under Sections 147, 148 and 302 of the

Indian Penal Code, 1860, and Section 3 of the Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992, in Crime No. 686 of 2019 on the file of the Respondent Police, seeks anticipatory bail.

2. The case of the prosecution as per the De-facto Complainant is that due to previous enmity, the Petitioner along with the other accused attacked the deceased, due to which, he died. Hence, the case was registered against the Petitioner.

3. The Learned Counsel for the Petitioner would submit that the Petitioner is innocent and he has been falsely implicated in this case. He would further submit that this is the third application for anticipatory bail and the earlier applications in Crl. O.P. No. 8730 of 2020 was dismissed on 24.06.2020 and Crl. O.P. No. 16009 of 2020 was dismissed on 28.10.2020. He would further submit that the Petitioner has been implicated only based on the confession of the co-accused and that the Petitioner is not involved in the offence. Hence, he prays for grant of anticipatory bail.

4. The Learned Government Advocate (Criminal Side) appearing for the Respondent would vehemently oppose stating that there are totally eleven

accused in the case, in which, the present Petitioner was arrayed as A2. He would further submit that the allegation against the Petitioner is that he had instigated all the accused to commit murder and the name of the Petitioner is also specifically mentioned in the F.I.R. He would further submit that this Court had taken into consideration that the name of the Petitioner is found in the F.I.R. and he is the person instigated the other accused, had dismissed the earlier applications for anticipatory bail. He would further submit that there is no change of circumstances after the dismissal of the earlier applications. He would further submit that it is the case where the accused conspired, preplanned and committed murder. He would further submit that the custodial interrogation of the Petitioner is very much essential in this case and would pray for dismissal.

5. Heard the Learned Counsels.

6. This Court taking into consideration that it is a case of conspiracy and preplanned murder and finding that the custodial interrogation of the Petitioner is very much essential had dismissed the earlier applications for anticipatory bail.

7. Taking into consideration the facts and circumstances and that this the third application for anticipatory bail and that there is no change of circumstances, this Court is not inclined to grant anticipatory bail to the Petitioner.

8. Accordingly, this Criminal Original Petition is dismissed.

22.04.2021

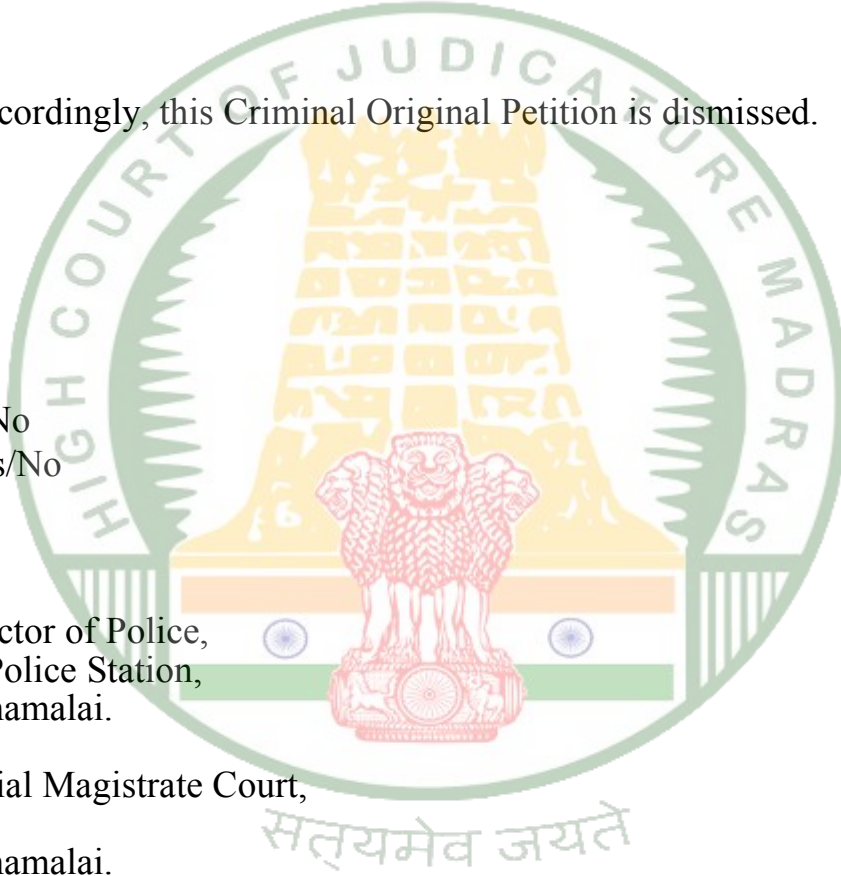
vjt

Index: Yes/No

Internet: Yes/No

To

1. The Inspector of Police,
Cheyyar Police Station,
Thiruvannamalai.
2. The Judicial Magistrate Court,
Cheyyar,
Thiruvannamalai.
3. The Public Prosecutor,
Madras High Court,
Chennai - 600 104.



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A.D. JAGADISH CHANDIRA, J.

vjt



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