



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Second day of December Two Thousand Twenty One

PRESENT

The Hon`ble Mrs Justice T.V. THAMILSELVI

CRIMINAL ORIGINAL PETITION No.22697 of 2021

K.KARTHI

[PETITIONER / ACCUSED]

Vs

STATE REP BY ITS
INSPECTOR OF POLICE,
ARNI TOWN POLICE STATION,
ARNI, THIRUVANNAMALAI DISTRICT.
(CRIME NO.1089 OF 2021)

[RESPONDENT]

For Petitioner : M/S.DASS AND VISWA ASSOCIATES Advocate

For Respondent : MR.N.S.SUGANTHAN, Govt. Advocate (Crl. Side)

For Intervenor : M/S.S.THANKIRA, Advocate

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offence under Sections 341, 294(b), 323, 324, 307, 506(2) of IPC @ 302 of IPC in Crime No.1089 of 2021, seeks bail.

2. The case of the prosecution is that in the year 2016, there was some dispute during Pongal festival between the petitioner and Sub-Inspector of Police, Arani Traffic Police. In that regard, there were counter complaints. However, FIR in Crime No.28 of 2016 is against the petitioner and the complaint given by the petitioner was treated as a subsequent complaint and case was registered in Crime No.30 of 2016 which was later referred as mistake of fact vide RCS No.8 of 2016. On 04.11.2021, when the petitioner was celebrating



Deepavali festival, in his home, along with his family members, there was continuous bursting of crackers by the children in the area. Suddenly the petitioner heard a vocal fight near to his home. When the petitioner just moved out to see as to what was happening, at about 200 meters from the petitioner's residence, there was a crowd. The petitioner just reached the spot to find out what was happening. At that time approximately between 10 to 15 persons were standing. The petitioner could recognize the person lying in the pool of blood as one Manikandan who was the petitioner's client earlier. The petitioner could see some of the bystanders took Manikandan to the hospital. The petitioner came back home quietly. This is what happened on the fateful day. The petitioner came to know that the defacto complainant one Prasanth, the elder brother of Bodh @ Manikandan gave a complaint with regard to the previous day's incident and included the petitioner's name as an accused alleged the petitioner had participated in the above said crime. Hence the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the petitioner is a practising advocate, aggrieved by the act of this petitioner because of he lodged some prosecution against the police presence with the defacto complainant. Hence, he prays for grant of bail.

4. The learned Additional Public Prosecutor submitted that 2 previous cases pending against the petitioner, 4 accused and 3 were arrested and still these persons are absconding and not co-operate for the investigation. Hence, he vehemently opposed to grant bail to the petitioner.

5. The learned counsel for the Intervenor submitted that this petitioner also one of the main accused, but also conspired and killed the deceased and FIR itself his name also mentioned.

6. Considering the facts and circumstances of this case, on seeing the submission it reveals that already there was a dispute between them with regard to conducting the case and there was a motive and apart from that this is the case of 302 wherein the petitioner name also mentioned in the FIR, it needs detailed investigation, if he released on bail he is absconding and the investigation is in initial stage, hence this Court is not inclined to grant anticipatory bail to the petitioner.



7. Accordingly, this Criminal Original Petition is dismissed.

-sd/-
22/12/2021

WEB COPY

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 INSPECTOR OF POLICE,
ARNI TOWN POLICE STATION,
ARNI, THIRUVANNAMALAI DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.DASS AND VISWA ASSOCIATES Advocate on payment of
necessary charges SR.NO.15414

CRL OP.22697/2021

Date :22/12/2021

JPA 28/12/2021