



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/02/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.1013 of 2021

Mahamani

... Petitioner/Accused No.8

Vs

The State rep by
The Inspector of Police,
Keeradurai Police Station,
Madurai City.
Cr No. 1166/2020.

... Respondent/Complainant

For Petitioner : Mr.Udhayakumar.R,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

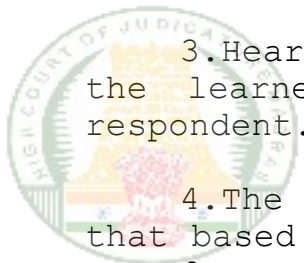
PRAYER :-

For Anticipatory Bail in Cr.No. 1166 Of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A8, apprehending arrest at the hands of the respondent police for the offences punishable under sections 120(b), 147, 148, 323 and 302 of IPC, in Crime No.1166 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that there is a motive between two groups. On the date of occurrence, the deceased talked with his friends viz., Muniyasamy, Chinnavavuthalai, at that time, the accused persons came to the spot with the intention to take revenge to the murder of one M.S.Pandian, who is the son-in-law of A11, V.K.Gurusamy, but the said Muniyasamy and Chinnavavuthalai were escaped from the place. Thereafter, the accused persons said to have committed murder of the deceased. Hence, the present complaint.



3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent.

4. The learned counsel appearing for the petitioner submitted that based on the confession of A6, the petitioner has been arrayed as A8. He further submitted that due to previous motive, the petitioner has been falsely implicated in this case. He further submitted that the only allegation against the petitioner is that he had kept watch over the deceased and informed the same to the other accused to commit the murder of the deceased. Hence, he prayed for grant of anticipatory bail to the petitioner.

5. The learned Government Advocate (Crl. Side) has produced the counter affidavit filed by the respondent Police, stating that the investigation revealed that there are two rowdy gangs, in which, the accused persons belongs to V.K.Gurusamy and except Accused No.3 viz., Thoothukudi Dinesh, all other accused persons are relatives. Further the deceased belongs to one Vellakalil gang and there is a motive between two groups, there are number of murders were committed by each groups. On the date of occurrence, when the deceased talked with his friends viz., Muniyasamy, Chinnavavuthalai, the accused persons came to the spot with the intention to take revenge to the murder of one M.S.Pandian, who is the son-in-law of All viz., V.K.Gurusamy, but the said Muniyasamy and Chinnavavuthalai were escaped from the place and the accused persons committed the murder of the deceased. He further submitted that insofar as the petitioner is concerned, he accommodated with A7 and watched over the movements of the deceased and informed the same to the other accused and committed the murder of the deceased.

6. Considering the facts and circumstances of the case and also considering the fact that there are 13 murders were committed by each groups and the petitioner and other accused persons have committed a very serious offence, this Court is not inclined to grant anticipatory bail to the petitioner.

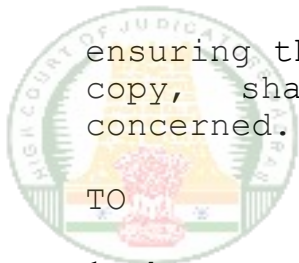
7. Accordingly, this Criminal Original Petition stands dismissed.

sd/-
16.02.2021

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/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

vsg



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,
Keeranduria Police Station,
Madurai.

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP (MD) No.1013 of 2021

Date : 16/02/2021

VB JC SAR 3 (19.02.2021) 3P 3C