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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/03/2021

PRESENT

The Hon'ble Mr. Justice M.NIRMAL KUMAR

CRL OP(MD) . No.2000 of 2021

Rajeshkanna

... Petitioner/Accused No.1

Vs

The State Rep. by
The Inspector of Police,
Kabistalam Police Station,
Thanjavur District.
(Crime No.786 of 2020)

... Respondent/Complainant

For Petitioner : Mr.Mohideen Basha N,
Advocate.

For Respondent : Mr.M.Chandra Sekaran,
Additional Public Prosecutor

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

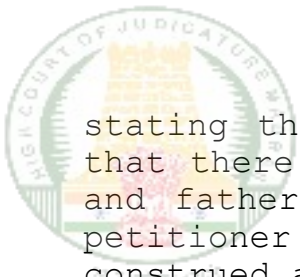
PRAYER :-

For Anticipatory Bail in Crime No.786 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A1, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 149, 341, 342, 120B and 302 of IPC, in Crime No.786 of 2020 on the file of the respondent Police, seeks anticipatory bail.

2.The learned counsel appearing for the petitioner submitted that the petitioner has been falsely implicated in this case, only based on the charges of conspiracy. The petitioner was not at all present in the scene of occurrence. He further submitted that the petitioner's name does not find place in the FIR. He further submitted that earlier anticipatory bail application was dismissed



stating that the investigation was pending. He further submitted that there was some dispute between the petitioner and the deceased and father of the deceased. He further submitted that since the petitioner being the obedient son to his father and he is also construed against the deceased and falsely implicated in this case.

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3.The learned Government Advocate (Crl. Side) appearing for the respondent Police submitted that the deceased had love marriage with the defacto complainant against the wish of his family members. After the marriage, the deceased had small child and he was not earning proper income and he had approached the father for his share and partition in their inherited property. The father and the petitioner aggrieved over the lover marriage of the deceased, whereby their community status has gone down and they were not willing to part with the property to the deceased, engaged the other accused to do away the life of the deceased. In this case the petitioner and the father of the deceased along with family members had engaged hirelings and committed the murder of the deceased in a public place. The father of the deceased, wife of the petitioner, sister-in-law of the petitioner and mother-in-law all arrested and later let out on bail. The petitioner does not stand better footing as to the other arrested accused. Further, the presence of the petitioner is spoken to by the eye witnesses and in the confession of co-accused also viz., A2/Kumaravel, who is none other than the employee of the petitioner. The active role played by the petitioner is proved. He further submitted that the weapons used by the petitioner have to be seized.

4.Considering the facts and circumstances of the case and also considering the fact that the custodial interrogation of the petitioner is very much required, this Court is not inclined to grant anticipatory bail to the petitioner.

5.Accordingly, this Criminal Original Petition stands dismissed.

sd/-
02/03/2021

/ TRUE COPY /

/ /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.



1. THE INSPECTOR OF POLICE,
KABISTALAM POLICE STATION,
THANJAVUR DISTRICT.
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.2000 of 2021
Date :02/03/2021

VSG
TE/JC/SAR-IV : 05/03/2021 : 3P/3C