



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/02/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.2755 of 2021

Ponmuthuramalingam,

... Petitioner/Sole Accused

Vs

State rep.by
The Inspector of Police,
Manamadurai Police Station,
Sivagangai District.
(Crime No.446 of 2015).

... Respondent/Complainant

For Petitioner : Mr.M.Solaisamy,
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 crime no.446 of 2015 file of the respondent police

ORDER : The Court made the following order :-

The petitioner, who is the sole accused, apprehending arrest at the hands of the respondent police for the offences punishable under Section 302 of IPC, in Crime No.446 of 2015 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the father of the deceased. Due to previous enmity, the petitioner said to have murdered the deceased by using knife. Hence, the present complaint.

3.The learned counsel appearing for the petitioner submitted that the petitioner is apprehending arrest based on the Non Bailable Warrant issued against the petitioner in P.R.C.No.75 of 2015, on 27.05.2019. He further submitted that the petitioner is an advocate and due to the urgency of the above case, he is under life threat and



now he is practicing advocate at Coimbatore and appeared before the said Court regularly even today. The only apprehension is that if he visits Manamadurai, he will get life threat. Hence, he prayed for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side) appearing for the respondent Police submitted that the petitioner and the deceased are advocates. In the month of May, 2015, on Holiday, Manamadurai Bar Association had arranged trip, in which, the petitioner and the deceased viz. Ramnath had gone to Kodaikanal, at that time, the petitioner picked up quarrel with the deceased and abused him by using filthy language and also assaulted him. Thereafter, on 07.08.2015, in order to visit the lawyers going to Courtrallam, the deceased and his father came to the Manamadurai Bar Association, at that time, the petitioner attacked the deceased on his ear by using knife, due to which, the deceased succumbed injuries and died. The investigation was completed in the year 2015. He further submitted that totally there are 13 witnesses in this case, in which twelve witnesses to the occurrence and other witness spoken about the motive. Due to absconding of the petitioner, though investigation was completed, trial could not be committed to the Court of Sessions. Hence, he strongly opposed this anticipatory bail application.

5.On perusal of the materials available on records, it is seen that the petitioner said to have committed the murder of the deceased and the investigation has already been completed and the trial Court has rightly issued Non Bailable Warrant against the petitioner and the respondent Police is unable to execute NBW and the case is posted on 31.03.2021 for hearing. In view of the same, this Court is not inclined to grant anticipatory bail to the petitioner.

6.Accordingly, this criminal original petition stands dismissed.

sd/-
24/02/2021

/ 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



TO

- 1.The Inspector of Police,
Manamadurai Police Station,
Sivagangai District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP(MD) No.2755 of 2021

Date :24/02/2021

NR/PN/SAR-I (02.03.2021) 3P:3C