



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 09/04/2021

PRESENT

The Hon`ble **Mr.Justice G.CHANDRASEKHARAN**

CRL OP(MD). No.4191 of 2021

Rajeshkanna

... Petitioner/Accused No.1

Vs

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

... Respondent/Complainant

For Petitioner : Mr.Narayanan R,
Advocate.

For Respondent : Mr.K.Dinesh Babu,
Additional Public Prosecutor

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

PRAYER :- For Anticipatory Bail in Crime No.786/2020 on the file of the respondent police.

ORDER : The Court made the following order :-

Apprehending arrest at the hands of the respondent police for the alleged offences punishable under sections 302, 147, 148, 149, 341, 342 and 120 B of IPC in Crime No.786 of 2020 on the file of the respondent police, the petitioner has come forward with this petition seeking anticipatory bail.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent police.

3.The learned counsel for the petitioner submitted that petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and the petitioner has been falsely implicated in the present case and hence, he seeks anticipatory bail. He further submitted that all other accused had been arrested and later, released on bail.



4.The learned Government Advocate (criminal side), on instructions, submitted that this is a murder case, the investigation is not completed and the final report is not filed.

5.It is seen from the submissions made that the petitioner is the brother of the deceased and there was a property dispute between the defacto complainant's husband, who is the deceased and his brother, the petitioner herein. On 01.06.2020, when the deceased was sleeping, at the abetment of the petitioner, all other accused entered into the house of the deceased and threatened him. Subsequently, the deceased informed the defacto complainant that he was frequently threatened by the petitioner and others, not to ask any share in the property, else he would be done to death. On 04.09.2020, about 01.00 p.m., the deceased came to see the defacto complainant in her father's house at Manalur and later about 02.30 p.m., he went to Valangaimaan. On the same day, about 03.00 p.m., she received an intimation that her husband was murdered. The defacto complainant has specifically alleged in the FIR that the petitioner, his father and others alone murdered the defacto complainant's husband.

6.Considering the fact that this is a case of murder of own brother of the petitioner and also the fact that the investigation is not completed and final report is not filed, this is not a fit case to grant anticipatory bail to the petitioner. In this view of the matter, this criminal original petition is dismissed.

sd/-
09/04/2021

/ 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.

TO

1 THE INSPECTOR OF POLICE,
INSPECTOR OF POLICE,
KABISTHALAM POLICE STATION,
THANJAVUR DISTRICT.



2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.R.NARAYANAN, Advocate (SR-3032[I] dated 09/04/2021)

WEB COPY

ORDER

IN

CRL OP(MD) No.4191 of 2021

Date :09/04/2021

sm

JM/VR/SAR II/22.04.2021/3P/4C