



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/04/2021

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PRESENT

The Hon'ble Mr. Justice G. CHANDRASEKHARAN

CRL OP(MD) No.5191 of 2021

M. Vaikundaraj

... Petitioner/
Accused Rank not known

Vs

The State rep. by
The Sub-Inspector of Police,
Chinnakovilankulam Police Station,
Tenkasi District.
Crime No.75 of 2021.

... Respondent/Complainant

For Petitioner : Mr. Jeyamohan.K.,
Advocate.

For Respondent : Mr. K. Dineshbabu,
Additional Public Prosecutor

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

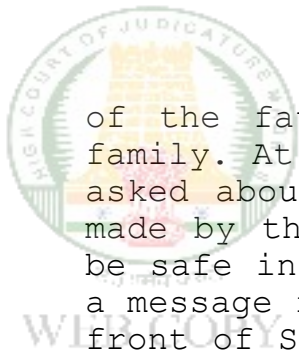
PRAYER :-

For Anticipatory Bail in Crime No.75 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 294(b), 302 and 506(ii) of IPC in Crime No.75 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that due to previous enmity between the deceased and the accused in this case, the deceased said to have attacked one Rasu, as a result, Rasu's relative Muppidathi, Kuttidurai, Kathiresan, Madhavan picked up quarrel with the deceased. On 24.03.2021 at about 07.10 p.m, the aforesaid five person came to the house of the deceased and attacked the cattle and threatened the daughter of the deceased, namely, Mahalakshmi and to kill the deceased, namely, Ramaraj @ Tamizhan. Then on 25.03.2021 at 11.00 a.m., when the deceased went out for his cattle business, the aforesaid five persons came again and demanded the whereabouts



of the father and further, threatened the de-facto complainant's family. At 11.20 p.m., the de-facto complainant phoned his father and asked about his whereabouts, the deceased also informed the threat made by the aforesaid persons and told the de-facto complainant to be safe in the house. Then on 26.03.2021 at 07.30 a.m, he received a message from one Mahesh, stating that his father was found dead in front of Sastha Temple. The de-facto complainant went there and saw his father with cut injuries on various parts of the body. Hence, this complaint.

3.The learned counsel for the petitioner would submit that the petitioner is not a named accused in the First Information Report and there is no overt act attributed against him. He would further submit that the deceased is a rowdy element and he is having 40 previous cases. Hence, he seeks anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent police strongly opposed this petition on the ground that there are nine accused in this case, out of which, A-1, A-2 and A-6 were surrendered before the learned Judicial Magistrate and remanded to judicial custody and A-3, A-4 and A-9 were arrested and remanded to judicial custody. The investigation in this case is at the preliminary stage.

5.It is seen that it is a murder case and the case was registered only on 26.03.2021. The investigation in this case is at nascent stage. The role of this petitioner would be revealed only after the investigation is completed. The surrender of the co-accused or arrest of the co-accused is not a point to grant anticipatory bail, especially in the preliminary stage of investigation.

6.In this view of the matter, this Court is not inclined to grant anticipatory bail to the petitioner. Hence, the Criminal Original Petition stands dismissed.

sd/-
22/04/2021

/ 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 SUB-INSPECTOR OF POLICE,
CHINNAKOVILANKULAM POLICE STATION,
TENKASI DISTRICT.
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.5191 of 2021
Date :22/04/2021

SJI
SRS/PN/SAR-II/10.05.2021/3P/3C