



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

Date : 28/04/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.5999 of 2021

Palani

... Petitioner/2nd Accused

Vs

State rep.by,
The Inspector of Police,
Seevalaperi Police Station,
Tirunelveli District
(Crime No.94 of 2021).

... Respondent/Complainant

For Petitioner : Mr.Veera Kathiravan, Senior Counse for
M/s.Veera Associates, 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.94 of 2021 on the file of
the respondent police

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the
respondent police for the alleged offences punishable under Sections
147, 148, 294(b), 109, 302, 307, 506(ii), 120(B) IPC in Crime No.94
of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant
and the accused belonged to different community. The brother of the
defacto complainant is samiyadi in the Sri Seevalaperi Sudalai
Madasamy Temple. There was an arrangement between them that the
income generated within the temple belong to the defacto
complainant's community and the income generated out side the temple
belong to the accused community. Due to COVID-19 lock down, there is
no income for the accused community. As a result, all the accused
persons conspired to kill the brother of the defacto complainant.
On 18.04.2021, at about 06.00 pm., the accused abused the brother of
the defacto complainant and attacked him with deadly weapons. Due to
that the brother of the defacto complainant died on the spot and
another person sustained severe injuries. Hence, the complaint.



3.The learned counsel for the petitioner submitted that there is no material to implicate the petitioner and all the accused had been arrested and remanded to judicial custody. Therefore, he seeks anticipatory bail to the petitioner.

4.The learned Government Advocate(Crl.side) appearing for the respondent police submitted that there are totally 17 accused in this case and along with the petitioner A16, A16 and A17 are still absconding and investigation in this case is in preliminary stage. He further submitted that the petitioner herein is having 17 previous cases. Therefore, he strongly opposed this petition.

5.It is seen that due to dispute with regard to the sharing of income derived in the shops situated near Temple, the accused attacked the brother of the defacto complainant and another person with deadly weapons. As a result, the brother of the defacto complainant died on the spot. It is also seen that the petitioner is having 17 previous cases. Considering all these aspects, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this criminal original petition is dismissed.

sd/-

28/04/2021

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/ /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,
SEEVALAPERI POLICE STATION, TIRUNELVELI DISTRICT

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

+1. CC to M/S.VEERA ASSOCIATES Advocate SR.No.3508

ORDER IN

CRL OP(MD) No.5999 of 2021

Date :28/04/2021

GNS

<https://hccs.csls.gov.in/Services/05.2021> : 2P/4C