



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/06/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.7147 of 2021

Athinarayanan

... Petitioner/Accused No.5

Vs

The State rep.by
Inspector of Police,
Thirumangalam Town Police Station,
Madurai District.
(Crime No.1227 of 2020).

... Respondent/Complainant

For Petitioner : M/s.Sankar.K.,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.1227 of 2020 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, 342, 302 and 109 IPC in Crime No.1227 of 2020, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant's son was one of the accused in a murder case for the murder of one Manikandan. Thereafter, the family members of the said Manikandan were angry with the defacto complainant's son Prakash and one Sakthivel. One Rameshbabu and one Sarathkumar and other associates planned to murder the defacto complainant's son. After coming out of bail, the said Prakash went to Coimbatore to work in Chennai Silks . He came to hometown for Diwali function. On 19.11.2020, he went Usilampatti Court to attend hearing for the murder case. On the same day, at about 02.00pm., he was said to have been waylaid by the accused in this case and attacked with deadly weapons. As a result, the defacto complainant died. It is specifically alleged



that only on the instigation of this petitioner, the accused in this case committed murder of the defacto complainant's son Prakash. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he is a leader of one political party and he has been falsely implicated in this case. It is further submitted that the co-accused in this case had either been released on bail or anticipatory bail. Therefore, 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 it is a case of murder and investigation in this case is not completed for the reason that the petitioner is absconding. He further submitted that the custodial interrogation of the petitioner is necessary to complete the investigation and 15 previous cases are pending against the petitioner. Details of the previous cases are as follows:-

1.Cr.No.310 of 2020 under Section 151 Cr.P.C., r/w Section 143, 188, 269, 270 IPC, pending in Thirumangalam Police Station.

2.Cr.No.1159 of 2020 under Sections 143, 145, 341, 188, 269 IPC r/w Section 184 MVI Act, pending in Thirumangalam Police Station.

3.Cr.No.257 of 2020 under Sections 188, 270 IPC, pending in Thirumangalam Town Police Station.

4.Cr.No.233 of 2013 under Sections 147, 148, 294(b), 427, 379, 506(i) IPC, pending in Kallikudi Police Station.

5.Cr.No.04 of 2020 under Sections 147, 148, 294(b), 307, 323, 324, 379, 506(ii) IPC, pending in Kallikudi Police Station.

6.Cr.No.174 of 2009 under Section 365 IPC, pending in Kallikudi Police Station.

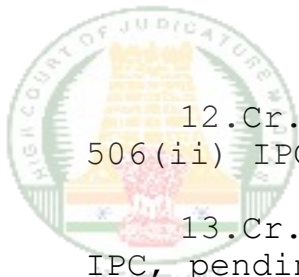
7.Cr.No.247 of 2005 under Sections 147, 148, 149, 323, 324, 325, 326, 506(ii) IPC, pending in Kallikudi Police Station.

8.Cr.No.11 of 2017 under Sections 120(b), 147, 148, 149, 302, 506(ii) IPC, pending in Sathur Taluk Police Station.

9.Cr.No.399 of 2010 under Sections 109, 120, 147, 148, 149, 302 IPC, pending in Virudhunagar Taluk Police Station.

10.Cr.No.1528 of 2020 under Sections 143, 341, 286, 290 IPC, pending in Kallikudi Police Station.

11.Cr.No.89 of 2013 under Sections 147, 148, 452, 468, 471, 506 IPC, pending in Villoor Police Station.



12.Cr.No.233 of 2013 under Sections 147, 148, 294(b), 427, 379, 506(ii) IPC, pending in Villoor Police Station.

13.Cr.No.02 of 2013 under Sections 120, 420, 423, 468, 506(i) IPC, pending in Sivagangai District Crime Branch.

14.Cr.No.1544 of 2020 under Section 504 IPC, Section 4B TNPPDL Act, pending in Kallikudi Police Station.

15.LIR.No.01 of 2020 under Section 110 Cr.P.C., pending in Kallikudi Police Station.

The Additional Public Prosecutor also submitted that the petitioner is a history sheeted rowdy and H.S.No.01 of 2014, dated 14.05.2014 is also pending on the file of the Kallikudi Police Station and hence, he seeks dismissal of this anticipatory bail petition.

5.Earlier anticipatory bail petition filed by the petitioner was dismissed on 02.12.2020. It is specifically alleged that the petitioner is the main accused in this case and in fact, the murder had taken place, only at the instigation of this petitioner. Similar allegations are also found in the First Information Report. The investigation in this case is pending for the reason that this petitioner is absconding. The learned Additional Public Prosecutor specifically submitted that custodial interrogation of the petitioner is necessary to complete the investigation and file final report. It is seen that 15 previous cases are pending against the petitioner, out of which, two cases are 302 IPC cases, one 307 IPC case and one 326 IPC case.

6.Taking note of all these factors and the fact that there is no change in circumstances since the earlier anticipatory bail petition was dismissed, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this criminal original petition is dismissed.

sd/-
16/06/2021

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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,
THIRUMANGALAM TOWN POLICE STATION,
MADURAI DISTRICT.
- 2.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.7147 of 2021
Date :16/06/2021

KM:RSK:SAR2(22.06.2021) 4P 3C