



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

Date : 29/06/2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.8395 of 2021

Anand @ Venkat Anand

... Petitioner/Accused No.3

Vs

State Rep.by
The Inspector of Police,
Ammapettai Police Station,
Thanjavur District.
(Crime No.930 of 2020)

... Respondent/Complainant

For Petitioner : Mr.B.Jameel Arasu,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory bail in Crime No.930 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 offence punishable under Sections 147, 148, 294(b) and 302 of IPC, in Crime No.930 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the deceased Udaya @ Udayakumar was working in a chicken stall run by one Baskar. There was frequent fight between Subash S/o. Baskar and the deceased and therefore, the deceased did not go for work. After sometime, the deceased has started separate chicken stall near the stall of Baskar at Ammapettai Santhaipettai. Since the deceased started a separate chicken stall, Baskar suffered loss in his business. Therefore, there was a frequent fight between Subash S/o Baskar and the deceased. One day before the incident, Baskar had leased his shop, which is situated near the shop of the deceased to some other person. Due to this professional rivalry, Baskar and his son (Subash) planned to kill the deceased. On 04.07.2020 at about 08.30 p.m., when the de-facto complainant had visited her son's shop and informed her that Udaya was standing behind his shop. She



had gone there and found Udaya standing there. Suddenly, six persons came in two two wheelers. They are Subashkumar, Baskar, Harithuvaramangalam Ananth, Mani @ Manikandan, Saravanan and Thiruttu mani @ Mani. They scolded the deceased in filthy language. Subash scolded the deceased and hit him with aruval on his head. Followed by Subash, Baskar attacked Udaya with aruval and Harithuvaramangalam Ananth also attacked him with knife. Mani @ Manikandan, Saravanan, another Mani and all other had attacked the deceased with aruval. As a result, he suffered serious injuries and therefore, this case came to be registered.

3.The learned counsel for the petitioner submitted that the petitioner is no way connected with the offence and he is the friend of A-1 and he has been falsely implicated in this case. He further submitted that the final report has been filed in this case and it is yet to be taken on file. Since the investigation is completed, he seeks anticipatory bail.

4.The learned Government Advocate (Criminal side) for the respondent submitted that the petitioner has actively participated in the commission of murder of deceased and he had specific overt act alleged against him. He further submitted that this is the seventh anticipatory bail petition and hence, he strongly opposed this petition.

5.The facts of the case was that due to professional rivalry, the deceased was done to death by the accused Subash and Baskar and they have been actively helped by other accused. On reading of the First Information Report, it shows that there is a specific overt act against all the accused and the specific overt act against this particular accused is that he used knife to stab the deceased. The investigation in this case is completed and the final report has been filed and it is yet to be taken on file. Mere filing of the final report is not a ground for granting anticipatory bail. In the case before hand, one hapless and helpless person was attacked by the accused wielding dangerous weapons like aruval and knife. All the accused joined together and indiscriminately attacked the deceased with dangerous weapons causing several injuries. The nature of the murder shows that it is nothing but a gruesome murder. Submission made by the learned counsel for the petitioner that the petitioner has been falsely implicated in this case, because of the fact that he is known to the first accused, is not a matter for consideration at this stage. This aspect has to be gone into only during trial. This is the seventh anticipatory bail application filed by the petitioner. The case was registered on 04.07.2020 and now it is going to be almost one year. For the last one year, the petitioner effectively and successfully avoided apprehension by the police, if the prima facie shows that he has special skills and support for evading the arrest. There is every possibility that if he is released on bail, he may not co-operate for the trial and



6.Considering the nature of the gruesome murder and the possibility of his abscondance if released on bail, this Court is of the considered view that the petitioner is not entitled for anticipatory bail.

7.Accordingly, this Criminal Original Petition is dismissed.

sd/-
29/06/2021

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

ORDER
IN
CRL OP(MD) No.8395 of 2021
Date :29/06/2021

SJI
MS/PN/SAR-2/06.07.2021/3P.3C