



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

Date :21/06/2021

PRESENT:

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD. No.7620 of 2021
(Through Video Conference)

Kannan @ Kanthasamy @ Kannabiran ... Petitioner/Accused No.2

Vs

The State rep.by
The Inspector of Police,
Manur Police Station,
Tirunelveli District.
Crime No.86 of 2021.

... Respondent/Complainant

For Petitioner : Mr.C.Christopher,
Advocate.

For Respondent : Mr.R.M.Anbunithi, Additional
Public Prosecutor (Crl.Side)

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

PRAYER:

For Anticipatory Bail in Crime No.86 of 2021 on the file of
the Respondent Police.

ORDER: The Court made the following order:

Heard the learned counsel appearing for the petitioner and the
learned Additional Public Prosecutor (Crl.side) appearing for the
respondent.

2. The petitioner apprehending arrest at the hands of the
respondent police for the offences punishable under Sections 120(B),
147, 148 and 302 of I.P.C., in Crime No.86 of 2021 on the file of
the respondent police, seeks anticipatory bail.

3. The learned counsel for the petitioner submitted that there
is no over tact against the petitioner. Even as per the allegation
made in the First Information Report(F.I.R), the petitioner was not



present in the place of occurrence. The de facto complainant appears to have filed a transfer petition to the effect that the investigation of the case is not properly conducted. The other accused has been arrested. He is a political leader and only due to the same, the petitioner has been falsely implicated in this case.

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4. The learned Additional Public Prosecutor (criminal side) would submit that, totally, 45 cases were pending against the petitioner and as on date, 36 cases are pending against him and the other accused persons are absconding. It is also stated in the complaint that only upon the instigation of the petitioner, the offence of murder has been committed. It is also brought to the notice of this Court that the deceased is a police informer and that is why the murder has been committed upon him.

5. Considering the gravity of the offence, it is mentioned in the F.I.R. itself that only at the instigation of the petitioner, the murder is said to have been taken place. Secondly, it is a case of murder, Unless the petitioner is able to bring on record compelling circumstances to grant Anticipatory Bail, he is not entitled for the same. Except stating that no material has been collected by the Investigation Officer during the course of investigation, no other material is placed.

6. Moreover, as submitted by the learned Additional Public Prosecutor (Criminal side), the petitioner is a habitual offender. This itself disentitles him from claiming the discretionary relief of Anticipatory Bail.

7. Considering the totality of the circumstances of the case, this Court is not inclined to exercise the discretionary power in favour of the petitioner. Therefore, I find no merit in this petition. Accordingly, the Criminal Original Petition stands dismissed.

sd/-

21/06/2021

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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,
MANUR POLICE STATION,
TIRUNELVELI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.7620 of 2021

Date : 21/06/2021

STS

TK/MNR/SAR.3/24.06.2021/3P/3C