



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17.11.2021

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.17455 of 2021

K.Athinarayanan

... Petitioner/Accused No.5

Vs

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

... Respondent/Complainant

For Petitioner : M/s.K.S.Durai Pandian, Advocate.

For Respondent : M/s.R.Meenakshi Sundaram,
Additional Public Prosecutor

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

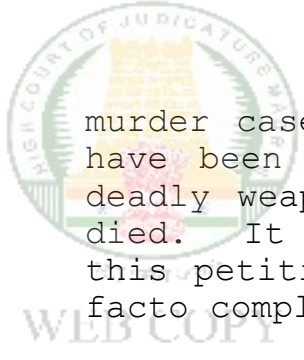
PRAYER :-

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/A5, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 342, 302 and 109 IPC in Crime No.1227 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto 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 got angry with the de-facto complainant's son, Prakash and one Sakthivel. One Rameshbabu and one Sarathkumar and other associates planned to murder the de-facto complainant's son. After coming out on 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 to Usilampatti Court to attend hearing for the



murder case. On the same day, at about 02.00 p.m., he was said to have been waylaid by the accused in this case and attacked with deadly weapons. As a result, the son of the de-facto complainant died. It is specifically alleged that only on the instigation of this petitioner, the other accused had committed murder of the de-facto complainant's son Prakash. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is a leader of one political party, he is innocent and he has been falsely implicated in this case. He would further submit that the co-accused in this case had either been released on bail or anticipatory bail and hence, he seeks anticipatory bail.

4.As rightly pointed out by the learned Additional Public Prosecutor, the points now raised were already taken before this Court in Crl.O.P.(MD)Nos.13708 of 2020 and 7147 of 2021 and this Court after considering all the aspects had dismissed the petitions vide order dated 02.12.2020 and 16.06.2021.

5.It is the specific case of the prosecution that the petitioner is the main accused and he only arranged the other accused to commit the murder and according to them, it is a case of retaliation murder. The learned Additional Public Prosecutor would submit that the confession statement of the co-accused reveals that the petitioner has only provided shelter and other help to the accused persons.

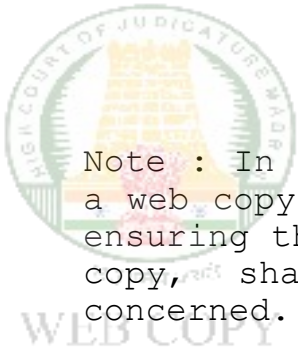
6.Considering the above facts and circumstances and also the submission of the learned Additional Public Prosecutor that the petitioner is the main accused and he only arranged the accused to commit the murder and also the subsequent conduct of the petitioner in giving shelter and other things to the other accused and also considering the fact that the petitioner is having 18 previous cases, this Court is not inclined to grant anticipatory bail to the petitioner.

7.Accordingly, this Criminal Original Petition is dismissed.

Sd/-
17/11/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.I)
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.17455 of 2021
Date :17/11/2021

SP/JC/SAR I/23/11/2021/3P/3C