



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Fourth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.14638 of 2022

S.MAHESH KUMAR

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
ERAVANCHERY POLICE STATION,
THIRUVARUR DISTRICT
CRIME NO.162 OF 2022.

[RESPONDENT]

For Petitioner : M/S.G.ANANDARAJ Advocate

For Respondent : M/S.A.DAMODARAN, Additional Public Prosecutor

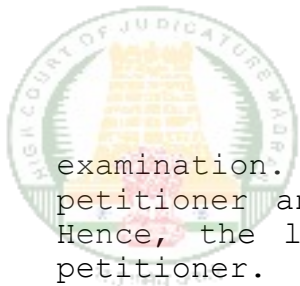
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 302, 147, 148 and 294 (b) of Indian Penal Code, 1960 (as amended) in Crime No.162 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that due to previous enmity between the petitioner and other accused persons, they were brutally attacked the deceased with knife and other deadly weapons, due to which deceased died on spot. There are 14 accused involved in this case the petitioner is arrayed as A8. Hence, the complaint.

3. The learned counsel for the petitioner would submit that as far as the petitioner is concerned he had no specific overt act even according to the case of the prosecution and he was also not present on the scene of crime. He further submitted that at the time of occurrence the petitioner stayed at Trichy and preparing for UPSC



examination. Therefore false case has been foisted against the petitioner and he is no way connected with the alleged occurrence. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

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4. The learned Additional Public Prosecutor would submit that there are totally 14 accused in which the petitioner is arrayed as A8. Due to previous enmity between the accused persons and the deceased, the petitioner along with other accused persons attacked the deceased with deadly weapon at head and neck of the deceased, due to which the deceased sustained grievous injuries and died. Further, he submitted that the A3, A4 and A10 were arrested and remanded in judicial custody and other co-accused also surrender before the respondent police. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. As far as this petitioner is concerned, he attacked the deceased with a knife on his head and neck. Therefore, there is specific overt act against the petitioner and the custodial interrogation of the petitioner is very much required in this case. Hence, This Court is not inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this Criminal Original Petition is dismissed.

-sd/-

24/06/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE INSPECTOR OF POLICE,
ERAVANCHERY POLICE STATION,
THIRUVARUR DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.G.ANANDARAJ Advocate on payment of necessary charges
SR.NO. 9938

CRL OP.14638/2022

Date :24/06/2022

RW-29/06/2022