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Crl.O.P.No.22535 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 341, 364 and 302 of IPC in Crime No.387 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the *de-facto* complainant Latha is that due to previous enmity, certain named persons Viz., Manickam, Frankline, Lawrence, Eliya, Moses, Appu, Saran, Mugunthan, Gokul, who can be identified have assaulted her son indiscriminately on his neck, head and face. Due to which, her son fell down and died on the spot and before the *de-facto* complainant could intervene the accused, had left the scene of occurrence. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this



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case, since he happens to be a friend of the named accused and other than that the petitioner has nothing to do with the alleged offence. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that even as per the First Information Report apart from the named accused, some other accused who can be identified have committed the murder. It is a case where the *de-facto* complainant's son was indiscriminately assaulted and the same was watched by the *de-facto* complainant and her daughter and that the *de-facto* complainant has specifically stated that the accused can be identified. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. At this juncture, the learned counsel for the petitioner would submit that the petitioner is a local resident and if at all the petitioner was present in the scene of occurrence, his name would have been included in the First Information Report, but the *de-facto* complainant has not mentioned the name of the petitioner.



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6. Heard the learned counsel. It is a case where an youngster has been brutally assaulted by several persons indiscriminately with deadly weapons resulting in his instantaneous death. The *de-facto* complainant had mentioned that few named accused persons and some other persons who can be identified have also committed the offence.

7. Therefore, this Court is of the opinion that in this Case identification parade has to be conducted to find out whether the petitioner is one among the unnamed accused or not. It is a case of grievous nature. Considering the gravity of the offence and that identity of the accused has to be verified & investigation has to be done with regard to the presence of the petitioner at the time of occurrence, this Court is not inclined to grant anticipatory bail to the petitioner.

8. Accordingly, this Criminal Original Petition is dismissed.

26.10.2022

mpl



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