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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

RESERVED ON : 18/02/2022

PRONOUNCED ON : 24/02/2022

PRESENT

**The Hon`ble Mr.Justice K.MURALI SHANKAR**

CRL OP(MD). No.3375 of 2022

Ashik,

... Petitioner/Accused No.8

Vs

The State rep by,  
The Inspector of Police,  
Aranthangi Police Station,  
Pudukkottai District.  
(Crime No. 1174 of 2021).

... Respondent/Complainant

For Petitioner : M/s.G.Prabh Rajadurai, Advocate.

For Respondent : Mr.E.Antony Sahaya Prabhar,  
Additional Public Prosecutor

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

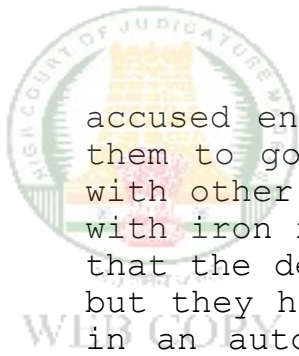
PRAYER :-

For Anticipatory Bail in Crime No. 1174 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused No.8, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 341, 342, 323, 324, 364, 307, 382 and 302 I.P.C., in Cr.No.1174 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant and his brother Bala Nikethan (deceased) were assaulted by the accused, that the deceased was an auto driver, that on Ayudhapooja day, 3 persons engaged his auto to carry a goat to Karaikudi, that when they reached the backside of Alagappa University, 8 persons came in a Innova car and abducted the said 3 persons along with the deceased to Madurai alleging that they have stolen their goats, that the deceased and others were locked in a lodge and the deceased had escaped from their illegal detention, that on 06.11.2021, the first



accused engaged the deceased and the defacto complainant and asked them to go to various places and lastly at about 05.00p.m., joined with other accused attacked the deceased and the defacto complainant with iron rod and at about 11.30p.m., left them in an injured stage, that the defacto complainant's brother was admitted in the hospital, but they have informed the police out of fear that they got injured in an auto accident, that on 10.11.2021 at about 05.00p.m., they have informed the police that they were attacked and that the defacto complainant's brother had succumbed to injuries. Hence, the present complaint.

3. The case of the petitioner is that the deceased was admitted in the hospital on 06.11.2021 with a declaration that he suffered the injuries in an accident, that he expired on 10.11.2021 and that only after his death, the case was registered as if the statement was made when he is alive, that there are no external injuries and that the cause of death is not known.

4. The learned Counsel for the petitioner would submit that the petitioner does not know either the deceased or the defacto complainant as he is not at all involved in the dispute, that in the first F.I.R., no accused was named and in the second F.I.R., 8 names were mentioned including the petitioner and that subsequently 2 other persons were also added.

5. It is not in dispute that originally on the basis of the statement recorded by the police, F.I.R., came to be registered in Cr.No.243 of 2021, on the file of the Pudupatti Police Station and subsequently on the point of jurisdiction, the present F.I.R., came to be registered on the file of the respondent police.

6. The learned Counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged and that the petitioner will not evade the judicial process and that he will co-operate with the investigation.

7. The learned Additional Public Prosecutor appearing for the State would submit that except the petitioner, all other accused were arrested, that the accused 3, 4, 6 and 7 were already released on bail, that the tenth accused is still in judicial custody and that four accused were already ordered to be detained under the Act 14 of 1982. He would further submit that during the investigation, they came to know that the petitioner was also involved in the occurrence and he had also attacked the deceased.

8. Considering the seriousness and the gravity of the offences alleged and that since all the accused were already arrested, except the petitioner and that the investigation is pending as stated by the learned Additional Public Prosecutor appearing for the State, this Court is not inclined to grant anticipatory bail to the



9. In the result, the Criminal Original Petition is dismissed.  
sd/-

24/02/2022

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Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

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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,  
ARANTHANGI POLICE STATION,  
PUDUKKOTTAI DISTRICT
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADRUAI.

+1CC to Mr.G.PRABHU RAJADURAI, Advocate(SR-1506[I]dated 25/02/2022 )

ORDER

IN

CRL OP(MD) No.3375 of 2022

Date :24/02/2022

PKP/PN/SAR-3/01.03.2022/3P/4C