



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 14.03.2022

PRESENT

WEB COPY

THE HONOURABLE MRS.JUSTICE R.THARANI

Crl.O.P. (MD)No.4747 of 2022

D.Upagaram

... Petitioner/Accused No.5

Vs.

State Rep. by
The Deputy Superintendent of Police,
CBCID (South),
Tirunelveli District.
(Crime No.03 of 2021).

... Respondent/Complainant

For Petitioner : Mr.T.Thirumurugan
For Respondent : Mr.R.Suresh Kumar
Government Advocate

PETITION FOR ANTICIPATORY BAIL Under Section 438 of Cr.P.C.,

PRAYER:

For Anticipatory bail Crime No.3 of 2021, on the file of the Respondent Police.

ORDER: The Court made the following order:-

The petitioner/Accused No.5, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Section 147, 148, 149, 294(b), 323, 324, 342, 365, 302 and 506(ii) of I.P.C., in Crime No.3 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the husband of the defacto complainant, Anees Mohammed was doing finance business and he failed to repay the profit amount to the depositors. On 18.10.2021, the petitioner and seven others kidnapped the husband of the defacto complainant and assaulted him. He was admitted in the District Government Hospital, Tenkasi and he died. Therefore, the present case came to be registered.

3.The learned counsel for the petitioner submitted that the alleged occurrence said to have taken place on 18.10.2021. The complaint was lodged only on 19.10.2021. The deceased collected more than five crores from the depositors and swindled the amount. FIR



was registered against the deceased. While he was complying the conditions, he is alleged to have been kidnapped and was assaulted to death. It is stated that the petitioner is aware that she could not get back his amount by the death of the deceased. The complainant is not an eye witnesses. Some of the depositors are residents of Mumbai and they might have done something against the deceased. The petitioner herself deposited 2 ½ crores with the deceased. She is having school going children. Except this petitioner and A-7 all other accused are released on bail and prayed to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Criminal Side) for the respondent police submitted that the petitioner is A5 in the case. She is the kingpin of the conspiracy. Both the vehicles used for commission of the offence belong to her. The co-accused were arrested and were released on bail. The cause of death is multiple injuries affecting the vital organs including the lungs. This is a pre-planned murder. The kidnappers first took the deceased to Madurai where they kept him in a room. It was the petitioner, who vacated the room. She is the person who made payment for the room. Again the accused shifted the deceased and attacked him. The children of the deceased are still suffering. The entire family of the deceased is affected and prayed the petition to be dismissed.

5. The offence against the petitioner is serious in nature. The co-accused were arrested and released on bail. This is only an anticipatory bail. The police failed to arrest the accused so far. Considering the nature of the offence and considering the overt act attributed against the petitioner, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

sd/-

14/03/2022

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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 DEPUTY SUPERINTENDENT OF POLICE,
CBCID (SOUTH), TIRUNELVELI DISTRICT.

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

+1 CC to M/s.T.THIRUMURUGAN, Advocate (SR-2021[I] dated
15/03/2022)

ORDER

IN

CRL OP (MD) No.4747 of 2022

Date :14/03/2022

RS/SVR/SAR.3 (28.03.2022) 3P-4C