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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 01/07/2022

PRESENT

The Hon'ble Mr.Justice **G.ILANGOVAN**

Cr1.OP(MD)No.11095 of 2022

Selvakumar @ KKS.Selvakumar : Petitioner/A1

Vs.

The State rep.by
The Inspector of Police,
Samayapuram Police Station,
Trichy District.

(Crime No.163 of 2022) : Respondent/Complainant

For Petitioner : Mr.D.S.Haroon Rasheed

For Respondent : Mr..Kottai Chamy
Government Advocate
(Criminal side)

For Intervenor : Mr.V.Vishnu

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

PRAYER:-

C-8AB.For Anticipatory Bail in Crime No.163 of 2022
on the file of the Respondent Police.



ORDER : The Court made the following order:-

2.The case of the prosecution is that the de-facto complainant is an Office-bear of the Tamil Nadu Mutharaiyar Munnetra Sangam. Against them, another group by name Veeramuthiraiyar Munnetra Sangam is operating under the head of KKS.Selvakumar, who is stated to be the first accused in this case. Even though the petitioner organization is functioning for their community people, since Veeramuthiraiyar Munnetra Sangam indulged in criminal activities, they were opposed. Because of that, there was enmity. Al namely KKS.Selvakumar directly and indirectly causing threat. On 13/06/2022 from morning, he received threat in the name of KKS.Selvamumar. At about 8.00 pm, when he was travelling in a car from Tillai Nagar to Yesanaikarai, at about 8.30 pm, when they



3.The learned counsel appearing for the petitioner would submit even as per the allegation, that has been made against the petitioner, he was not at all available in the place of occurrence. Even the story, that has been projected by the de-facto complainant in the FIR is also highly unbelievable. Because the petitioner crossed the occurrence area and at the time of occurrence, he was in Trichy, for which, they have also produced the invitation, wherein the petitioner participated in a event at about 8.19 pm, on 13/06/2022. The screen shot of the mobile phone camera is also produced. Apart from that, he has also produced the toll gate pass, wherein it has been stated that the vehicle crossed the Ponnampalapatti toll gate on Dindigul-Trichy Highways at



19.20 hours, on 13/06/2022. So, according to the petitioner, he was not available in the place of occurrence and the alleged occurrence, as mentioned above in the FIR is unbelievable one.

4. But contra, the learned Government Advocate (Criminal side) would submit that there is continuous enmity between two groups of people and on that ground, the parties have directed to produce the FIRs, that have been registered against each group, for which, they have produced the FIRs as well as the photo copies of the injured.

5. From the perusal of the records, it is seen that continuous trouble existed between two groups of people. At one point of time, it is seen that from one group of parties, country made bombs and sharp edged weapons, such as aruvals were recovered from their car.

6. To ascertain, whether any country made bomb has been used in the occurrence, entire CD file has been called for and perused. The photographs of the damaged car is also produced by the intervenor.



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7.Perusal of the CD file shows that during the course of investigation, observation mahazar was prepared, wherein we find that the country made bomb also found in the place of occurrence. So this prima facie shows that the country made bomb was used in the place of occurrence. This shows that enmity existed.

8.Whether this petitioner is involved in the present occurrence and whether that occurrence took place at the abetment, instigation of this petitioner, requires thorough investigation, so that no such occurrence should recur in future and in the interest of the society or community, which both groups intended to promote and protect, they must stop their criminal activities. So, it requires thorough investigation by subjecting the petitioner to custodial interrogation. The offence of such nature cannot be lightly taken for exercising the discretionary relief of anticipatory bail. So I am of the considered view that this is not a fittest case to exercise the discretionary power in favour of the petitioner.

9.For the reasons stated above, this petition



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deserves dismissal and accordingly, it is **dismissed**.

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(G I J)
01.07.2022

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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.

G.ILANGO VAN ,J



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To,

- 1.The Inspector of Police,
Samayapuram Police Station,
Trichy District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.OP (MD) No.11095 of 2022

01/07/2022



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