



WEB COPY



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 19/07/2022

PRESENT

**The Hon`ble Mr.Justice G.ILANGO VAN**

**CRL OP(MD) . No.11607 of 2022**

R.Suriya

... Petitioner/Accused  
(Rank Not Known)

Vs

State rep.by  
The Inspector of Police,  
Kumbakonam Taluk Police Station,  
Kumbakonam, Thanjavur District.  
(Crime No.333 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Arumugam C M, Advocate.

For Respondent : Mr.R.M.Anbunithi  
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.333 of 2022 on the file of the respondent Police.

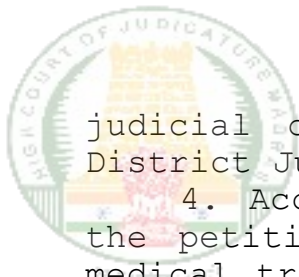
ORDER : The Court made the following order :-

The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 147, 341, 294(b), 352, 364, 506(ii) and 302 IPC in Crime No. 333 of 2022 on the file of the respondent police, seek/s anticipatory bail.

2. The case of the prosecution is that on 07.06.2022, while the defacto complainant and his friends were driving two wheeler, one Karthi, who is the first accused, over took them and had dropped the cigarette ash which had fell on the eyes of the defacto complainant and hence, there was a trouble arose between them. Due to the said motive A1 along with other accused on the same day at 9.00 pm came there and severally attacked the defacto complainant and Prakash and criminally intimidated them and when the said Prakash was taken to Government Hospital, Kumbakonam, where he was reported dead. Hence, a case has been registered.

<https://www.mhc.tn.gov.in/judis>

3. During the course of investigation two accused viz., Harish @ Appu Harish and Vijay @ Mandai Vijay were arrested and remanded to



judicial custody and released on regular bail by the Principal District Judge, Thanjavur.

4. According to the counsel for the petitioner, the name of the petitioner is not mentioned in the FIR and he is undergoing medical treatment for Tuberculosis and in order to show the same he has also enclosed the medical records. He would further submit that absolutely the petitioner has not participated in the above said occurrence. Actually, he was taken by the police during the course of investigation since they were looking for one Suriya, S/o.Nagaraj. But, the name of the father of the petitioner herein is entirely different viz., Ramasamy.

5. The learned Additional Public Prosecutor appearing for the respondent police would submit that the presence of the petitioner was confirmed through eye witnesses and hence, he is not entitled to get anticipatory bail.

6. The learned counsel appearing for the petitioner submitted that because of petitioner's health condition, he wants to take treatment.

7. On perusal of the CD file it is seen that the respondent police failed to identify the accused by conducting identification parade. The accused persons must be subjected to identification parade. So, for that purpose the custodial interrogation of the petitioner is necessary. It is a case of abduction and murder. Except the medical ground no other reasons are pointed out by the petitioner, hence, this Court is not inclined to grant anticipatory bail to the petitioner.

8. Accordingly, this Criminal Original Petition is dismissed.

Sd/-

19/07/2022

/ TRUE COPY /

/08/2022

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

TRP

TO

1. THE INSPECTOR OF POLICE,  
KUMBAKONAM TALUK POLICE STATION,  
KUMBAKONAM, THANJAVUR DISTRICT.
2. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.11607 of 2022

Date :19/07/2022