

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 27/09/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.16673 of 2022

Rocket Raja @ Arumuga Pandiyan

... Petitioner/9th Accused

Vs

State Rep.by
The Inspector of Police,
Nanguneri Police Station,
Tirunelveli District.
(Crime No.192 of 2022).

... Respondent/Complainant

For Petitioner : Mr.V.Karthick, Senior Counsel
for Mr.S.Poornachandran, Advocate
For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.192 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 302, 506(ii) @ 147, 148, 294(b), 302, 120(b), 506(ii) IPC, in Crime No.192 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that due to previous enmity, on 29.07.2022, at about 12.05AM, the accused persons came in a two wheeler with aruval and deadly weapons, chased the deceased and waylaid him and assaulted him indiscriminately, in which, the deceased sustained injuries all over his body and fell down. When the defacto complainant, who is the father of the deceased, tried to catch the accused persons, they criminally intimidated him and flew away from the scene of occurrence. Due to the injuries, the deceased died on the spot. Hence, the complaint.

3.On the side of the petitioner, it is stated that the

petitioner is arrayed as A9 in this case. Without any nexus, he was impleaded as per the confession given by A6, The petitioner is having two previous cases, one is under PCR Act and trial is not yet completed. As per the order of Court in PCR Act case, the petitioner is staying in Bombay for the past 15 years and only to attend the temple festival, he came to his village and he also informed the local Police Station and only with the Police bundobust, he attended the festival. To implicate this petitioner, no test identification parade was conducted by the respondent Police and the Police without finding the real culprits, falsely lodged a case against the petitioner. The deceased also having many previous cases, including a case of murder. It is a case of retaliation murder. Hence, prays to release him on anticipatory bail.

4.On the side of prosecution, it is stated that in this case, there are totally 11 accused. The petitioner is arrayed as A9. A1, A6 surrendered on 30.07.2022 and detained under Act 14. A2, A10, A11 were arrested on 02.08.2022. A3, A4, A8, A7 were surrendered on 08.08.2022. A5 surrendered on 17.08.2022. It is a retaliation murder due to communal clash between two groups. Based on the confession of A6 and others, this petitioner was impleaded in this case and has played a very vital role in the alleged murder of deceased. He only arranged henchmen and supplied vehicle to them. The petitioner is having 9 previous cases, including one murder case. In this case, custodial interrogation of the petitioner is very much needed to proceed further, since the investigation is not yet completed. Even now, Police picketing is prevailing in the occurrence village. If he is released on bail, there will be a communal clash between two communities and law & order problem will also arise. Hence, raised his vehement objection to release him on anticipatory bail.

5.Considering the facts and circumstances of the case, considering the facts that there is a communal clash between two villages and Police picketing is still in the occurrence place, that the specific overt act attributed against the petitioner that, he has supplied henchmen to murder the deceased, that the petitioner is having bad antecedents, that too, one murder case and also that the investigation is still in nascent stage, this Court is not inclined to exercise its power to grant anticipatory bail to the petitioner.

6.In view of the above, this Criminal Original Petition stands dismissed.

sd/-

27/09/2022

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/10/2022

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

TO

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

ORDER

IN

CRL OP(MD) No.16673 of 2022

Date :27/09/2022

pnm

RS/SBN/SAR.2(12.10.2022) 3P-3C