



WEB COPY



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.17204 of 2022

Murali @ Murali Babu

... Petitioner/Accused
(Rank Not Known)

Vs

State rep.by
The Inspector of Police,
Chinnakovilankulam Police Station,
Tenkasi District.
(Crime No.110/2022).

... Respondent/Complainant

For Petitioner : M/s.Venkatesh D, 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.110/2022 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 143, 294(b), 323, 302 IPC, in Crime No.110 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that A1 is working as Head Constable in Surandai Police Station. On 19.07.2022 there was temple festival in the occurrence village. At about 09.30PM, the defacto complainant along with his friends were witnessing Karakattam and at about 11.30PM, there was some sort of commotion in the gathering. In the commotion, the son of A1 was assaulted and A1 came to rescue his son and the deceased, defacto complainant and his friends also assaulted by the accused persons with hands and stick and in which, the deceased succumbed to injuries. Hence the complaint.



3. On the side of the petitioner, it is stated that a false case was foisted against the petitioner. This petitioner is arrayed as A7. Based on the confession of A2, this petitioner was implicated in this case. The petitioner has noway connected with the occurrence, since he only witnessed the occurrence. The co-accused A1, A2, A3 were already enlarged on bail. Hence, prays to release him on anticipatory bail.

4. On the side of prosecution, it is stated that in this case totally seven accused. The petitioner is arrayed as A7. The petitioner assaulted the deceased on his hip and chest. Though he was impleaded as per the confession of A2, the specific overt act of the petitioner has been stated by all the co-accused and even by the eye witnesses to the occurrence. The co-accused were arrested and enlarged on bail and custodial interrogation of the petitioner is very much necessary in this case. The investigation is in preliminary stage and prayed to dismiss the petition.

5. Considering the facts and circumstances of the case, gravity of the offence and specific overt act committed by the petitioner and the nascent stage of investigation and also considering the vehement objection raised by the prosecution, this Court is not inclined to grant anticipatory bail to him.

6. Accordingly, this Criminal Original Petition stands dismissed.

Sd/-

27/09/2022

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/09/2022

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

PNM

TO

1. THE INSPECTOR OF POLICE,
CHINNAKOVILANKULAM POLICE STATION,
TENKASI DISTRICT.
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.17204 of 2022

Date : 27/09/2022