



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Dated: 04/01/2022

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

Crl.OP(MD)No.20570 of 2021

Dinesh Kumar

... Petitioner/Accused Rank Not Known

Vs.

State rep. By its
The Inspector of Police,
Pattukottai Police Station,
Thanjavur District.
(Crime No.17 of 2021)

... Respondent/Complainant

For Petitioner : Mr.R.J.Karthick, Advocate

For Respondent : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

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

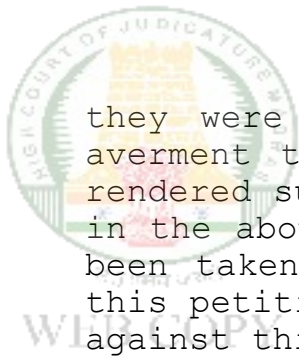
For Anticipatory Bail in Crime No.17 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order:-

The petitioner, who is apprehending arrest at the hands of the respondent police for the offences punishable under sections 147, 148 and 302 IPC, in Crime No.17 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 04/01/2021at about 5.45 pm, one Siranjivi was murdered by Kabi @ Kabilan and two others near Marina Sugarcane Juice Shop. During the course of investigation, it was found that this petitioner alleged to have arranged shelter for murderers and only on that basis, he has been implicated in this case.

3.Now the case of the petitioner is that he is the native of Kanchipuram District and he is the Proprietor of G.D Sound Service, Burma Colony, Thanjavur and more than 6 persons were employed as casual labourers in his company and A1, who is the friend of his employees namely Kannan and Gopi. Similarly the above said accused person is also the friend of this petitioner and he has also used to visit the company occasionally, who is also the friend of said Kannan and Gobi. So only after the occurrence, he came to know that



they were involved in the above said crime. Except the specific averment that has been attributed against this petitioner that he rendered sufficient shelter to the co-accused, no direct involvement in the above said murder. So according to him, even though, FIR has been taken into face value, only 201 IPC can be attracted against this petitioner and except this, no other allegation can be levelled against this petitioner.

4.The learned Additional Public Prosecutor would submit that it is a case of double murder for retaliation and this petitioner only supplying the vehicle and providing shelter, who committed the murder. So the learned Additional Public Prosecutor would submit that the petitioner is also involved in the above said crime. When this argument was advanced, the learned counsel appearing for the petitioner would submit that the case has been registered only as against the accused persons.

5.But during the course of investigation, it appears that the offences under sections 120(B), 25(1A), 27(2) of Indian Arms Act are also included. Whether alternation report has been submitted before the concerned court or not, is not clear on record.

6.Whatever it may be, section 120(B) IPC inclined in this case. Reading of the entire CD file shows that it is a group rivalry between two groups and this petitioner appears to have helped the co-accused. So the involvement of this petitioner can only be brought to light during the course of investigation. Since it is a case of group rivalry, the custodial interrogation of the petitioner may also be required. Since it is a case of murder, for granting anticipatory bail, the petitioner must bring on circumstances, warranting the exercise of the jurisdiction under section 438 of Cr.P.C. Except stating that this petitioner has not involved in any such offence, as mentioned in the CD file, no compelling circumstance has been brought on record. So it is not a fit case to grant anticipatory bail to the petitioner.

7.In the result, this criminal original petition is **dismissed**.

sd/-

04/01/2022

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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 INSPECTOR OF POLICE
PATTUKKOTTAI POLICE STATION,
THANJAVUR DISTRICT.

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

ORDER

IN

CRL OP (MD) No.20570 of 2021

Date :04/01/2022

SS/JC/SAR-III/07.01.2022 : 3P/3C