



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/01/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP (MD) . No.20799 of 2021

R.Sathish

... Petitioner/Accused No.4

Vs

State rep.by
The Sub Inspector of Police,
Othakadai Police Station,
Madurai District.
(Crime No.608 of 2021).

... Respondent/Complainant

For Petitioner : M/s.Sundarapandian S.S., Advocate.

For Respondent : M/s.S.S.Madhavan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.608 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 120 (b), 147, 148, 302 & 341 IPC, in Crime No.608 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that due to previous enmity, on 13.11.2021 at about 05.30PM, the *defacto* complainant received a phone call from one Vikki stating that the brother of *defacto* complainant, viz., Chellapandi and his friend Singaravelu were murdered by the accused persons in front of PRP Quarry gate, near Othakadai. Hence, the complaint.



3.The learned counsel for the petitioner would submit that the petitioner is an innocent and not committed any such offence as alleged by the prosecution. He would further submit that the petitioner was not present at the alleged place of occurrence at the time of crime and this fact also disclosed by the co-accused viz., Balamurugan(A1), when he was remanded by the concerned Judicial Officer, remand report also enclosed. Even after that the police has implicated this petitioner in this case, as the petitioner is the brother of A1 & A2. Hence, prays to release him on anticipatory bail.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that except this petitioner, other accused were remanded to judicial custody, this is a case of double murder and investigation is not yet completed.

5.Reading of FIR and other records shows that it is a case of double murder. The contentions raised by the learned counsel for the petitioner that the petitioner was not present at the alleged crime of scene and not involved in the occurrence, he was attending to his company, to show the same, copy of attendance is also produced. But those things cannot be taken into account at the stage of bail. It is a matter for investigation. The involvement of the petitioner will come to light, only after the investigation.

6.Considering the heinous nature of offence, nascent stage of investigation and vehement objection raised by the learned Government Advocate (Crl.Side), I do not find any reason to exercise discretionary power to enlarge the petitioner on anticipatory bail.

7.Accordingly, this Criminal Original Petition is dismissed.

Sd/-
03/01/2022

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/ /2022
Sub-Assistant Registrar (C.S.III)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNM

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 SUB INSPECTOR OF POLICE,
OTHAKADAI POLICE STATION,
MADURAI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.20799 of 2021

Date :03/01/2022

SP/PN/SAR III/01/02/2022/3P/3C