



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/11/2022

PRESENT

WEB COPY

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

CRL OP (MD) . No.21072 of 2022

1. Nagaraj
2. Ranjith @ Ranjith Kumar ... Petitioners/Accused No.2 & 3

Vs

The State Rep.by
The Inspector of Police,
Kodaikkanal Police Station,
Dindigul District.

(Crime No.314 of 2022)

... Respondent/Complainant

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

For Respondent : Mr.M.Vaikkam Karunanithi,
Government Advocate (Crl.Side)

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

PRAYER :-For Anticipatory Bail in Crime No.314 of 2022 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioners/A2 and A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 174 of IPC @ Sections 147, 323, 355, 506(i) and 305 of IPC, in Crime No.314 of 2022, seek anticipatory bail.

2.The case of the prosecution is that on 19.11.2022, at about 09.30 p.m, the deceased along with two friends came by bike with rash and negligent manner and dashed nearby kerosene barrel and the barrel fell down on the TATA Safari bearing Reg.No.TN-65-S-6666. The Car was also damaged. At that time, the petitioners along with other accused step down from the car and attacked the deceased and his friends. On knowing the same, the defacto complainant's mother and the defacto complainant, who is the brother of the deceased came to the occurrence place and tried to solve the issue. But, the petitioners and the other accused did not accept the same and seized the deceased's bike and demanding a sum of Rs.3 lakh for repairing the TATA Safari vehicle. On the very next day, the deceased



committed suicide by way of hanging himself in his house, the complaint.



3. The learned counsel for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case. He would further submit that the deceased along with two friends came by bike with drunken mode and dashed the cylinder lorry. They were thrown away from the bike. But, the bike fell down on the TATA Safari Car and caused damage worth about Rs.3 lakh. However, the petitioners and the other accused step down from the Car and took the deceased and his friends for first aid and informed the same to their family members. They also came there and promised to one Vinoth, who is the owner of the vehicle and the petitioners to repair the vehicle in their own cost. Hence, the petitioners did not give any police complaint against the deceased and his friends. Thereafter, the mother of the deceased picked up quarrel with the deceased and scolded him severely. Because of that, he had committed suicide by hanging himself in his house. There is no motive or no instigation on the part of the petitioners. Only based upon the confession statement of A1, these petitioners are implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that totally 5 accused are involved in this case. The petitioners were arrayed as A2 & A3. A1 & A5 were arrested and they are still in custody. A4 is still absconding. The investigation is in preliminary stage, the custodial interrogation of the petitioners are necessary, he strongly opposed to grant anticipatory bail to the petitioners.

5. Considering the gravity of the offence and also considering the fact that the investigation is in very preliminary stage, this Court is not inclined to grant anticipatory bail to the petitioners.

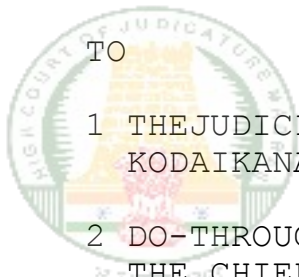
6. Accordingly, this Criminal Original Petition is dismissed.

sd/-
29/11/2022

/ TRUE COPY /

/12/2022
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 JUDICIAL MAGISTRATE NO. II
KODAIKANAL

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.

3 THE INSPECTOR OF POLICE
KODAIKANAL POLICE STATION, DINDIGUL DISTRICT

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

ORDER

IN

CRL OP (MD) No. 21072 of 2022

Date : 29/11/2022

DSS

MK/BUC/SAR IV/07.12.2022/3P/5C