



Crl.O.P.No.15522 of 2023

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WEB CO **A.D.JAGADISH CHANDIRA, J.**

The petitioner, who apprehends arrest for the alleged offences under Section 302 of IPC @ Sections 147, 148, 302, 34 & 341 of IPC, in Crime No.181 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant/ Bhavani is that her husband is a painter by profession and when her husband was in jail past five months ago, at that time, there was enmity between her brother-in-law and A1 and due to which, A1 entered into her house with knife and threatened her brother-in-law. Subsequently, her husband was released from the jail and when he came to know about the threat of A1, he went to A1's house and made criminal intimidation. For which, A1 along with other accused have kidnapped her husband and committed murder of her husband. Hence the case.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case, based



on the confession recorded from the arrested accused. He further submitted that it is a case of circumstantial evidence and there is no witness to the incident. He further submitted that even as per the prosecution, the defacto complainant/informant had suspected that one Veeramaruthu and Dinesh could have committed the murder of her husband and the petitioner has nothing to do with the alleged offence. He also submitted that other than the confession of the arrested accused, there is no material to implicate the petitioner in this crime and thereby, he seeks for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate appearing for the respondent Police submitted that there are totally 7 accused in this case and the petitioner is arrayed as A7. Though it is a case of circumstantial evidence, there are ample materials to show that the petitioner along with the other accused had committed the murder of the informant's husband. Due to previous enmity, the petitioner along with other accused have taken the victim to a secluded place, where they have indiscriminately assaulted the victim with knife, Aruval and cricket bat and when the victim has attempted



to escape, the petitioner had caught hold of his legs and all the accused, with a common intention, to do away with the deceased had repeatedly assaulted him, resulting in him, in his instantaneous death on the spot. He further submitted that the investigation is pending and the arrested accused in this case are still in custody and custody of the petitioner is very much required. Hence, he prayed for dismissal of the petition.

5.Heard the learned counsel for the petitioner as well as the learned Government Advocate and perused the entire materials available on record.

6.It is a case where the deceased has been brutally assaulted and he has sustained severe injuries all over the body and the arrested accused are also still in custody. As per the prosecution, there are materials to show that the petitioner was present at the scene of occurrence and he has common intention to commit the murder and caught hold of the legs of the deceased, pursuant to which, the other accused assaulted him with knife, aruval and cricket bat.



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7.Taking into consideration the facts of the case and the submissions made by the learned counsel on either side, this Court is not inclined to grant anticipatory bail to the petitioner.

8. Accordingly, this Criminal Original Petition is dismissed.

17.07.2023

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