



CRL OP(MD). No.16407 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/09/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

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Antony Damion,

... Petitioner/ Accused Rank Not Known

Vs

The Inspector of Police,
Dindigul Town South Police Station,
Dindigul District.
In Crime No.182 of 2023.

... Respondent/Complainant

For Petitioner : M/s.MAYILVAHANA RAJENDRAN.C., Advocate.

For Respondent : Mr.B.NAMBISELVAN, Additional Public Prosecutor

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

PRAYER :- For Anticipatory Bail in Crime No.182 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/ Accused herein, who was arrested for the alleged offence under Sections 302 of IPC @ 147, 148, 302 and 109 of IPC, in Crime No.182 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that one Head Constable namely Saranraj on 07.08.2023 registered a case in Crime No.182 of 2023 under Section 302 of IPC. In the FIR it has been stated that on receiving information that a dead body was found at Odainpuramboke, Kabannimar Temple West, he went to the place and found the dead



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body with injury. It is alleged that on enquiry with local people, he came to know that one Mr.Arulanandha Babu was murdered due to previous motive. During the investigation, some of the accused persons have been arrested and the offence was altered into 147, 148, 302 and 109 of IPC.

3.On the ground that mistake in identity this petitioner has been unnecessarily roped in, this petition has been filed. The present petitioner is also known as Antony @ Damion in that area. During the course of investigation, the identity was also verified.

4.The respondent police was present before this Court and stated that there is no identification issue. In that area totally three murder took place. The first murder took place in the year 2016. In which one Dakshina Murthy was murdered. For which, Sessions case in S.C.No.332 of 2023 is pending on the file of the Additional District Judge, Dindigul and now it is posted for judgment. In that case, this petitioner is not arrayed as an accused.

5.He would further submit that the Second murder took place in the year 2018, in which one Sakthivel who is the brother of the above deceased was murdered. For which, the case is pending in P.R.C.No.32 of 2018. Both deceased persons are the son of one Murugeswari, who is also the eye witnesses in both the cases.

6.The third murder took place in the year 2020. In which, one Arulanandha



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Babu was murdered. Because of loss of his two children, the above said Murugeswari was under the care and custody of the above said Arulanandha Babu. This is the present case.

7. According to the learned Additional Public Prosecutor, there is a specific overt act against the petitioner to the effect that the petitioner assaulted the deceased with aruval. Even though identification issue is raised, it has been clarified by the learned Additional Public Prosecutor that there is no identification issue in this case. Considering the grievousness of the allegations that three consecutive murder took place by the accused person, this Court is of the view that if the accused person is released on bail there is every likelihood of causing trouble by the petitioner to the above said Murugeswari. Therefore, custodial interrogation of the petitioner is necessary. Offence of this nature cannot be taken lightly on the ground of identification issue. This court is not inclined to grant bail to the petitioner. This petition deserves to be dismissed.

8. Accordingly, this criminal original petition stands dismissed.

sd/-
12/09/2023

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/09/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO

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1 THE ADDITIONAL DISTRICT JUDGE, DINDIGUL

2 THE INSPECTOR OF POLICE,
DINDIGUL TOWN SOUTH POLICE STATION, DINDIGUL DISTRICT.

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

ORDER IN
CRL OP(MD) No.16407 of 2023
Date :12/09/2023

SA/JGB/SAR. /29.09.2023/4P/4C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.