



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/01/2023

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PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . Nos.23340 of 2022 and 286 of 2023

Sheik Mohammedu	... Petitioners/Accused No.2 & 3 in Crl.O.P(MD) No.23340 of 2022
Sabik Raja	... Petitioner/Accused Rank Not Known in Crl.O.P(MD) No.286 of 2023

Vs

State Rep.by
The Inspector of Police,
Thiruppuvanam Police Station,
Sivagangai District.
(Crime No.337/2022).

... Respondent/Complainant
in both petitions

For Petitioner : M/s.Dhilipan Pandian.R.L, Advocate.
(In CRL OP(MD).23340/2022)

For Petitioner : M/s.Udhayakumar R, Advocate.
(In CRL OP(MD).286/2023)

For Respondent : Mr.P.Kottaichamy,
(In BOTH PETITIONS) Government Advocate (Crl.Side)

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

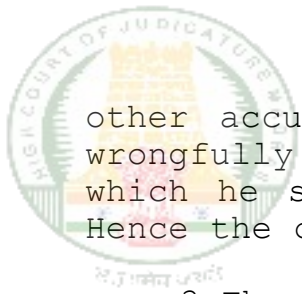
COMMON PRAYER :-

For Anticipatory Bail in Cr.No.337/2022 on the file of the respondent police.

COMMON ORDER : The Court made the following order :-

The petitioners/accused who apprehends arrest at the hands of the respondent police for the offences punishable under sections 174 Cr.P.C @ 147, 148, 341, 323, 324,387,306 r/w.Section 34 of IPC in Crime No.337 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution as per the de-facto complainant is on file of the court 27.11.2022 at around 7.00 am., the petitioners along with



other accused unlawfully assembled together with deadly weapons, wrongfully restrained the deceased, assaulted him with deadly weapons in which he sustained injuries and he committed abetment of suicide. Hence the case came to be registered.

3.The learned counsel for the petitioner in Crl.O.P(MD) No.23340 of 2022 would submit that the petitioner is innocent and a false case has been foisted against him. He would further submit that the petitioner has been roped in this case as an accused based on the confession given by A1. He would further submit that this is the second anticipatory bail petition and the earlier petition was dismissed as withdrawn on 16.12.2022. He would further submit that A1 in this case was released on bail by the learned Principal Sessions Judge, Sivagangai in Crl.M.P. No.5535 of 2022 dated 12.12.2022 and the other accused were granted bail by this Court in Crl.O.P(MD) No.23235 of 2022 dated 28.12.2022.He would further submit that the fact remains that the petitioner is the person who had prevented the other accused from assaulting the victim and he is the one who had protected the victim and sent him to his house, other than that he present at the scene of occurrence, the petitioner has not committed any other offence, hence he seeks bail.

4.The learned counsel for the petitioner in Crl.O.P(MD) No.286 of 2023 would submit that on 26.11.2022, the petitioner along with seven others have gone to attend a relative's wedding function at Thiruppuvanam and after attending the reception while they were returning at 2.00 a.m., on 27.11.2022 there was a commotion in the village on account of the victim forcibly trespassing in the house of one Askia Parveen and having attempted to rape her. Since the girl had raised alarm the victim attempted to escape from the scene of occurrence in his two wheeler and the village people had chased him and the victim dashed against the electric pole and he later escaped to Thiruppuvanam town. The villagers has informed the same to the parents of the victim and asked them to come to Jamath for meeting on the next day. The victim after coming to know about the same had committed suicide. He would also reiterate that A1 in this case was released on bail by the learned Principal Sessions Judge, Sivagangai in Crl.M.P. No.5535 of 2022 dated 12.12.2022 and the other accused were granted bail by this Court in Crl.O.P(MD) No.23235 of 2022 dated 28.12.2022, hence he seeks anticipatory bail.

5.The learned Government Advocate(Crl.Side) appearing for the respondent would submit that it is a case where a young man who has gone to the village to see his friend was brutally assaulted by a mob consisting of the petitioners and others. The act of the petitioners almost constitute to offence of lynching or honour killing. The accused persons joined together and have humiliated and brutally assaulted and harassed the deceased and have also taken videos of the said incident while assaulting the victim and unable to bear the humiliation the victim had committed suicide by



filed a petition in Crl.O.P(MD) No.21969 of 2022 and the as dismissed as withdrawn on 16.12.2022 and he submitted that there is no change in circumstances and custodial interrogation of the petitioners is very much required and hence he objected for grant of anticipatory bail.

6.Heard. Perused the materials available on record including the First Information Report.

7.Taking into consideration of the facts and circumstances of the case and also taking into consideration the gravity of offence that a young boy had been brutally assaulted by the mob and later the incident being circulated in social media which resulted in him committing suicide by hanging, this Court is not inclined to grant anticipatory bail to the petitioners.

8.Hence these Criminal Original Petitions stands dismissed.

sd/-

05/01/2023

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

AAV

TO

1. The Inspector of Police,
Thiruppuvanam Police Station,
Sivagangai District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER IN

CRL OP(MD).23340/2022 and 286/2023

Date :05/01/2023

RS/SSS/SAR.3(23.01.2023) 3P-3C