



CRL OP(MD)No.21222 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06.12.2023

PRESENT

The Hon`ble MR JUSTICE V.SIVAGNANAM

CRL OP(MD)No.21222 of 2023

Krishna Kumar @ Krishna

... Petitioner/ Accused No.2

Vs

**The Inspector of Police,
Virudhunagar East PS,
Virudhunagar.
(Cr.No.41 of 2021)**

... Respondent/ Complainant

For Petitioner : Mr.M.Shreedhar,Advocate

**For Respondent : Mr.RMS.Sethuraman,
Additional Public Prosecutor.**

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

PRAYER :-

For Anticipatory Bail in Crime No.41 of 2021 on the file of the Respondent Police.



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ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section man missing altered into Sections 120(B), 147, 148, 149, 364, 302, 404 and 201 IPC and Section 25(1A), 26(1B)(b) of the Arms Act in Crime No.41 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 11.02.2021, the defacto complainant had preferred a complaint stating that her husband left home on 08.02.2021 and thereafter, on 10.02.2021, he talked with his wife. Thereafter, his phone was switched off and she was not able to find his whereabouts. Hence, the case.

3.The learned counsel appearing for the petitioners would submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He would further submit that without any material and evidence, the petitioner herein was implicated in this case. He would further submit that A4 and A5 approached the Court below for bail and the same was granted on the representation of the learned Public Prosecutor that investigation completed and charge sheet filed. On verification, as of now, charge sheet has not been filed. Hence, he seeks anticipatory bail.



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4.The learned Additional Public Prosecutor appearing for the respondent police would submit that there is statement of the witness namely Samkumar recorded under Section 164 Cr.P.C., implicating the petitioner herein directly. Therefore, custodial interrogation of the petitioner herein is very much required and hence, he strongly opposed to grant anticipatory bail to the petitioner.

5.On perusal of records, it is noticed that the husband of the defacto complainant was murdered by the accused persons and A4 and A5 were granted bail by the District and Sessions Court, Virudhunagar at Srivilliputhur vide order dated 16.10.2023 in Cr.M.P.No.5371 of 2023. It is further noticed that in Cr.M.P.No.8440 of 2023, statement of one witness, namely, Samkumar was recorded under Section 164 Cr.P.C. On perusal of statement, it is noticed that the petitioner herein was present at the time of occurrence and directly shows the involvement of the petitioner.

6.Under these circumstances, considering the grave nature of the offence, this

Court is of the view that the custodial interrogation of the petitioner is very much

<https://www.mhc.tn.gov.in/judis>



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required. Therefore, this Court finds no merits in this petition. Accordingly, this criminal original petition is dismissed.

sd/-
06/12/2023

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/12/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS
TO

- 1 THE INSPECTOR OF POLICE
VIRUDHUNAGAR EAST POLICE STATION
VIRUDHUNAGAR DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.21222 of 2023
Date :06/12/2023

PKP/DD/SAR- /22.12.2023/ 4P/ 3C
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