



Crl.O.P.No.1599 of 2024

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C.V.KARTHIKEYAN, J.

The petitioners/A1 and A2 in Crime No.12 of 2024 registered by the respondent police for the offences punishable under Sections 294(b), 352, 506 (ii) and 195A of IPC seek anticipatory bail.

2. The second petitioner who is the son of the first petitioner is A4 in Cr.No.288 of 2022 registered for the offences under Sections 147, 148, 449, 307 and 302 of IPC

3. It is stated that after investigation, the trial is now pending in S,C.No.6 of 2023 before the Additional Sessions Court at Nagapattinam. It is stated that there are nearly about 76 prosecution witnesses in that particular case. The allegations is that these two petitioners and another accused, had threatened one of the witnesses in that particular case necessitating registration of the present FIR. It is also stated that subsequently yet another witness was also threatened by other accused



Crl.O.P.No.1599 of 2024

and another FIR had been registered. Witness protection is of the very fulcrum of the criminal jurisprudence and if witnesses are threatened, then it would lead to collapse of the criminal jurisprudence system. The allegations raised are very serious.

4. Learned counsel for the petitioner produced a photograph claiming that the second petitioner was in Chennai and therefore there was no possibility of the second petitioner threatening the witnesses. It is also stated that the first petitioner was staying outside Nagapattinam District. These are all alibi which can be examined during the course of trial. But, *prima facie* any witness who attends the Court to depose must be given adequate security and confidence to depose the facts which he knows.

5. In view of that particular fact, I am not inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the Criminal Original Petition seeking anticipatory



Crl.O.P.No.1599 of 2024

bail stands dismissed.

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7. Copy of this Order to be forwarded to the Additional Sessions Court at Nagapattinam for Reference in S.C.No.6 of 2023 and the learned Sessions Judge may enquire into the allegations of the witnesses in that particular sessions case being threatened by the accused therein and take appropriate actions with respect to the bail orders already granted.

Vv

08.02.2024

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Crl.O.P.No.1599 of 2024

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Crl.O.P.No.1599 of 2024

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