



CRL OP(MD) No.4634 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Friday, the Twenty Second day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.4634 of 2024

SAKTHI @ SAKTHIKUMAR ... PETITIONER / ACCUSED No.2/ACCUSED No.2

Vs

THE INSPECTOR OF POLICE
ATHIRAMPATTINAM POLICE STATION
THANJAVUR DISTRICT.
CRIME NO.264/2011. ... RESPONDENT / RESPONDENT/ COMPLAINANT

For Petitioner : M/S.MURUGESAN.D.R Advocate

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

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

PRAYER:

To enlarge the petitioner on Bail in the event of his arrest in NBW issued in PRC No.7/2018 on the file of the Judicial Magistrate, Pattukottai, Thanjavur District in Cr No.264/2011 on the file of the respondent Police.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 120(b), 341, 506(ii) and 302 IPC in Crime No.264 of 2011 on the file of the respondent police, seeks anticipatory bail.



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2.The case of the prosecution is that on 28.10.2011 at about 2.00 p.m., when the defacto complainant along with his brother-in-law returned back to his home after attending funeral ceremony of one Rajendiran, the accused persons intercepted the petitioner's vehicle and attacked one Ramakrishnan with iron pipe and caused injuries, due to which, he lost his life. 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. Due to non-appearance of the petitioner in PRC.No.7 of 2018 before the learned Judicial Magistrate, Pattukottai, Thanjavur District, non-bailable warrant came to be issued on 04.10.2019. Therefore, he seeks anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that investigation is completed and charge sheet is also filed. Due to non appearance of the petitioner, the trial Court issued non-bailable warrant on 04.10.2019. On the anticipatory bail application filed by the petitioner, this Court issued a direction to the petitioner that to surrender before the concerned Court and



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file a petition under Section 70(2) of Cr.P.C. But without utilizing the liberty grant by this Court, the petitioner again filed the present petition for grant of anticipatory bail.

5. This Court is unable to understand that though the nonailable warrant issued against the petitioner on 04.10.2019, why the respondent Police has not execute the same till date. Considering the facts and circumstances of this Court and also considering the fact that the offence committed by the petitioner is heinous in nature, this Court is not inclined to grant anticipatory bail to the petitioner. However, again liberty is granted to the petitioner to surrender before the concerned Court and file a petition under Section 70(2) of Cr.P.C. If such petition is filed by the petitioner, the same shall be considered by the concerned Court on the very same day, in accordance with law.

sd/-
22/03/2024

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/04/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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- 1 THE JUDICIAL MAGISTRATE,
PATTUKOTTAI, THANJAVUR DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE
ATHIRAMPATTINAM POLICE STATION
THANJAVUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN

CRL OP(MD) No.4634 of 2024

Date :22/03/2024

SS/VR/SAR- /16/04/2024/4P/5C

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