



Crl.OP(MD)No.5509 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

DATED : 29.04.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.OP(MD)No.5509 of 2024

and

Crl.MP(MD)No.4833 of 2024

Mathin @ Mohammed Matheen

: Petitioner / Accused No.2

Vs.

Inspector of Police,
Thattarmadam Police Station,
Thoothukudi District.
(Crime No.39 of 2024)

: Respondent / Complainant

PRAYER: Petition filed under Section 438 Cr.P.C seeking anticipatory bail in connection with the case in Crime No.39 of 2024 on the file of the respondent Police.

For Petitioner : Mr.V.Kathirvelu, Senior Counsel
for Mr.K.Prabhu, Advocate

For Respondent : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

For Intervenor : Mr.Balasubramaniam, Advocate

ORDER

The petitioner is the second accused in Crime No.39 of 2024 on the file of the respondent Police, which has been registered for the offence u/s.302, 109 IPC. The



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prosecution case is that the defacto complainant is the wife of the deceased and the deceased is said to have some outstanding dues in the departmental store owned by the petitioner. On 15.03.2024, the deceased went to the Medicals owned by the petitioner to purchase some medicines. The sister of the first accused, Rahmath Jabin, refused to give medicines and asked the deceased to settle the outstanding dues. The first accused, who is the Manager of the petitioner, also demanded to settle the outstanding dues and there was a wordy quarrel between the deceased and the first accused. On this motive, on 16.03.2024, at the instigation of this petitioner, the first accused dashed the deceased with an Innova Car bearing Reg.No.TN-72-AR-0066 and flew away from the scene of occurrence. Out of the injuries, the deceased died in the spot. On the complaint lodged by the defacto complainant, the case has been registered.

2.Admittedly, the petitioner was not present in the scene of occurrence, however, he has been added as an accused. Therefore, apprehending arrest, the petitioner has moved this application seeking anticipatory bail.

3.Considering the rival submissions made and in order to ascertain the role of this petitioner in the commission of offence, as on date, this Court, by order dated 10.04.2024, granted an order of interim anticipatory bail enabling the petitioner to appear before the respondent Police and to co-operate for the investigation.



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Accordingly, the petitioner appeared before the respondent Police on 13.04.2024 and the investigation officer, based on the available materials, has filed a report.

4.In the report, the investigation officer has stated that the petitioner / second accused is the President of Sunnath Jamath, Puthantharuvai and he is also running a Trust in the name of Thameera and is running Hospital, Fertilizer Shop, Departmental Store and several other shops in the name of Thameera and that the first accused has been administering the various business run by the second accused for the last 4 years. The father of the first accused is working in Thameera Fertilizer and the sister of the first accused Rahmath Jabin is working in Thameera Hospital.

5.The investigation officer has further stated that the deceased was a member of the Sunnath Jamath and that he frequently asked the second accused to submit the accounts of the Jamath and as such, there was previous enmity between the deceased and the second accused. Under these circumstances, the deceased went to Thameera Hospital and asked for medicine on loan basis. The first accused's sister demanded settlement of amount due to the Departmental Store and the deceased responded that he had already settled the same. In this regard, there was a wordy quarrel. On 15.03.2024 at about 08.00 pm, the first accused went to the house of the deceased and threatened his wife / defacto complainant with dire consequences. On 16.03.2024 at about 04.30 pm, he again picked up quarrel with the deceased, while



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he was on his way to his business and the first accused attempted to attack the deceased with stones. On being shouted by the other witnesses, he left the spot taking a vow to murder the victim. Since there was enmity between the deceased and the second accused in connection with the affairs of the Jamath, at the instigation of the second accused, the first accused on 16.03.2024 at about 08.00 pm, while the deceased was off-loading the goods from his two wheeler, with an intention to murder, drove the Innova Car bearing Reg.No.TN-72-AR-0066, belonging to the second accused, in a rash manner and forcibly hit the deceased. The deceased died on the spot.

6.According to the investigation officer, the defacto complainant and eye witness to the occurrence has given a statement regarding the occurrence and the prior enmity between the deceased and the accused persons. Three independent witnesses and the brother of the deceased have also given statement regarding the prior enmity. The first accused had contacted the petitioner, through his mobile phone, before and after the occurrence and that the call details of the accused have been collected.

7.The investigation officer, in her report, has concluded that the petitioner would do any work through the first accused and that the first accused will only act according to the instructions of his boss, the petitioner herein. The deceased is of



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such a character that he would boldly ask questions if he finds fault with anything and in that way, he used to question the integrity of the petitioner, who is holding the post of President of Sunnath Jamath.

8.This Court considered the rival submissions made on either side and perused the materials placed on record.

9.This is a case involving the offence u/s.302 IPC. The occurrence took place on 16.03.2024. Though the petitioner / second accused was not present in the place of occurrence and as per the FIR, the previous incident was between the deceased and the sister of the first accused, the petitioner's vehicle, Innova Car bearing Reg.No.TN-72-AR-0066, was involved in the commission of offence.

10.The investigation officer has also collected some materials as to the dispute between the petitioner / second accused and the deceased in the affairs of the Sunnath Jamath. Learned Senior Counsel for the petitioner claims that the deceased is not even a member in the Jamath and that this story of the respondent is a cooked up one. The investigation is in the initial stage and therefore, at this stage, this Court could not dwell into the same.

11.There are certain materials connecting this petitioner with the commission of offence. The occurrence took place in front of the defacto complainant / wife of the deceased. Eye witnesses are there. The involvement of the first accused and this



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petitioner's car in the commission of offence is not denied. The first accused is an employee of this petitioner. The investigation officer has also claimed that the first accused is administering the various business establishments of the petitioner and that the petitioner is executing all the works only through the first accused. The investigation agency has also collected the call details of the first accused with this petitioner before and after the occurrence.

12.Considering the materials placed before this Court, the manner in which the occurrence took place and the present stage of the investigation, this Court is not inclined to grant anticipatory bail to the petitioner.

Accordingly, this criminal original petition stands dismissed. Consequently, connected miscellaneous petition is closed.

sd/-
29/04/2024

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/05/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GK

To

1.The Inspector of Police,
Thattarmadam Police Station, Thoothukudi District.



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2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.K.PRABHU, Advocate (SR-4322[I] dated 10/04/2024)

ORDER
IN
Crl.OP(MD)No.5509 of 2024
and
Crl.MP(MD)No.4833 of 2024
Date :29/04/2024

ED/ GS /SAR- (08/05/2024) 7P / 4C

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