



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

Tuesday, the Thirtieth day of June Two Thousand Fifteen
PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.10914 of 2015

WEB COPY

SATHISH KUMAR

... PETITIONER/ACCUSED NO.3

Vs

STATE REP.BY

THE INSPECTOR OF POLICE

C-2, SUBRAMANIPURAM POLICE STATION,
MADURAI CITY.

CR. NO. 593 OF 2015.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.R.ALAGUMANI Advocate

For Respondent : MR.K.V.RAJARAJAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as A-3 in Crime No.593 of 2015 on the file of the respondent police, apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 148, 294(b), 302 and 506(ii) I.P.C. in Crime No.593 of 2015 on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that on 03.06.2015 at 6.00 a.m., when the deceased was in a tea shop, the accused Sekar, Ilango, Sathish, Ashokan, Kamma Pandi were standing near the tea shop. While so, the accused Kodiyarasan, Sankar Guru, Vignesh, Selvam, Ramesh Pandi and Mari Laxmanan came in two two-wheelers and along with patta knife and when the other accused identified the deceased, they attacked him and done to death.

3. The learned counsel for the petitioners submitted that the deceased is the first accused in Crime No.807 of 2010 on the file of B-6 Jaihindpuram Police Station and his sons are accused Nos.6 and 7 in the same case, which was registered for the offences 120(b), 147, 148, 341 and 302 of I.P.C. He further submitted that the petitioner's mother is L.W.1 and she is also an eye-witness to the occurrence. He further submitted that the petitioner was not at all present in the scene of occurrence, but he has been implicated in this case only to threat his mother not to give evidence against the sons of the deceased. It is further contended that the prime accused, who have attacked the deceased have been arrested and even as per the prosecution case, the petitioner was standing near the scene of occurrence and he is not directly involved in the commission of offence.

4. Per contra, the learned Government Advocate(Crl. Side) submitted that this is a case of retaliation and the deceased is the first accused in Crime No.807 of 2010 on the file of B6 Jaihindpuram Police Station and as per the statement of the defacto complainant, the petitioner/A-3 was standing near the scene of occurrence watching the movement of the



deceased. It is further submitted that the petitioner has no bad antecedents and the prime accused have been secured in this case.

5. Considering the overt act attributed against this petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.IV, Madurai and on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that the petitioner shall appear before the respondent police daily at 10.00 a.m until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

6. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

7. It is made clear that the prime accused shall not take advantage of the order passed in this case.

sd/-
30/06/2015

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.IV
MADURAI.

2 DO-THRO'THE CHIEF JUDICIAL MAGISTRATE
MADURAI.

3 THE INSPECTOR OF POLICE
C-2, SUBRAMANIYAPURAM POLICE STATION,
MADURAI CITY.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.R.ALAGUMANI Advocate SR.No.35256

ORDER
IN
CRL OP(MD) No.10914 of 2015
Date :30/06/2015

PA/PRV/02.07.2015/2P/6C