



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

Tuesday, the Twenty Ninth day of September Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.11019 of 2015

R. JEYAGANESH ... PETITIONER /1st ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
WEST POLICE STATION, DINDIGUL TOWN,
DINDIGUL DISTRICT, CRIME NO.365 OF 2015
... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.SARVAGAN PRABHU Advocate

For Respondent : M/S.S.PRABHA, Govt. Advocate (Crl. Side)

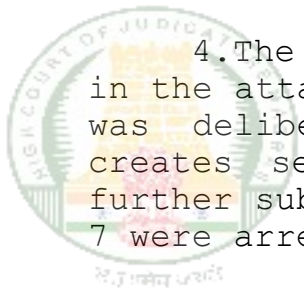
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused No.1, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 341, 324, 307 of IPC altered into 302 of IPC, in Crime No.365 of 2015, on the file of the respondent police and hence, seeks anticipatory bail.

2.According to the defacto complainant, the accused were running a Finance Company in a Lodge and on 30.05.2015, they attacked one of their borrower and when it was questioned by the defacto complainant, he was let out. Due to the motive, on 31.05.2015 at 6.30 p.m., the accused came to the work shop run by the defacto complainant and started quarrel with him, when his brother Alagar intervened to pacify the dispute, the accused attacked both of them and caused death of his brother Alagar.

3.The learned counsel for the petitioner submitted that the accused were running a Finance Company and on 30.05.2015, one of the borrower came to their office to settle the loan amount. When negotiation was going on, the defacto complainant has intervened and therefore, he did not pay the amount borrowed from the Company and the very next day when this was questioned by the accused, the brother of the defacto complainant Alagar had stabbed the petitioner with knife on the stomach and caused grievous injuries and the defacto complainant along with other persons attacked the petitioner with lethal weapons, for which, a case was registered against them in Cr.No.366 of 2015 for the offences under Sections 294(b) and 307 of IPC.



4.The learned counsel for the petitioner further submitted that in the attack, the petitioner has sustained grievous injuries, which was deliberately suppressed by the defacto complainant, which creates serious doubt over the entire prosecution case. It is further submitted that except the petitioner, the other accused 2 to 7 were arrested and released on bail on 04.07.2015 and 08.07.2015.

5.The learned Government Advocate (Cri.side) opposed the granting of anticipatory bail to the petitioner contending that the petitioner has attacked the brother of the defacto complainant and caused his death, so, he is not entitled to anticipatory bail since there is a specific overt act attributed against the petitioner.

6.The learned Government Advocate further submitted that the petitioner was taking treatment in the Government Hospital from 31.05.2015 for the injuries sustained in the occurrence and he was discharged only recently. It is further submitted that major part of the investigation was over.

7.Considering the fact, 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.I, Dindigul 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 as and when required. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. Scrupulously.

8. 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.

sd/-
29/09/2015

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I,DINDIGUL
 - 2 THE CHIEF JUDICIAL MAGISTRATE,DINDIGUL.
 - 3 THE INSPECTOR OF POLICE
WEST POLICE STATION, DINDIGUL TOWN, DINDIGUL DISTRICT.
 - 4 THE ADDL. PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.D.SELVARAJ Advocate SR.No.57394

ORDER IN
CRL OP(MD) No.11019 of 2015
Date :29/09/2015