



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

Wednesday, the Fifth day of August Two Thousand Fifteen
PRESENT

THE HON`BLE MR JUSTICE K.KALYANASUNDARAM
CRL OP(MD) No.14035 of 2015

1 S. THIRUMALAI MUTHUSAMY
2 B. RAVICHANDRAN
3 K. PONRAM

... PETITIONERS/ACCUSED

Vs

THE INSPECTOR OF POLICE,
CITY CRIME BRANCH CID,
MADURAI CITY, CRIME NO.03/2014

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.T.LAJAPATHI ROY Advocate

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

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

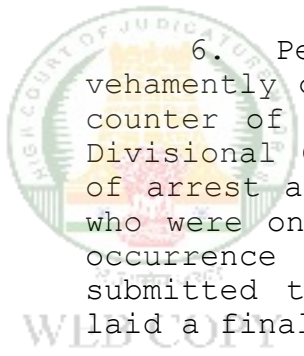
ORDER : The Court Made the following order :-

The petitioners, who are arrayed as A1 to A3 apprehend arrest at the hands of the respondent police for the alleged offence punishable under 174 of Cr.P.C @ section 167, 342, 304(ii) IPC r/w section 34 of IPC, in Crime No.03 of 2014 on the file of the respondent police and hence, seek anticipatory bail.

2. The case of the prosecution is that one Senthilkumar, S/o.Muthan died, while in the custody of the accused.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been unnecessarily roped in this case. The learned counsel further submitted that the case was registered based on the complaint of one Suresh, S/o.Ramar and the deceased Senthilkumar was arrested at about 3.30a.m. at Mottanampatti Village by the Sub Inspector and his party and he was produced before the learned Judicial Magistrate at 5.45a.m. and he was remanded to judicial custody and that when he was taken to the Sub Jail, Vedasanthur, he complained of chest pain and he was taken to the hospital by 6.00a.m., where he was pronounced dead at 6.45a.m.

4. The learned counsel further submitted that on 05.04.2010 night, there was a temple festival at Mottanampatti Shri Mariamman Temple where the deceased was causing trouble in an inebriated mood and also prevented the devotees from entering into the temple and damaged the sanctum and sanctorum of the temple; that a case was registered against him in Crime No.155 of 2010 and in the meanwhile, the villagers have assaulted him and caused injuries for misbehaving in the temple festival; that on the petition filed by the wife of deceased namely Sivagami, the learned Chief Judicial Magistrate, Dindigul directed the Judicial Magistrate, Oddanchatram to conduct an enquiry into the cause of the death of the deceased and file a report and that the learned Judicial Magistrate, Oddanchatram found that the injuries found on the deceased was not inflicted by the police and the deceased died due to Myocardial infarction. The postmortem certificate also supported the conclusion of the Judicial Magistrate.



6. Per centra, learned Government Advocate (Criminal side) vehemently opposed granting of anticipatory bail to the accused by filing counter of the respondent and contended that the report of the Revenue Divisional Officer would reveal that the police have violated the rules of arrest and custody and exceeded their limit and the police personnel, who were on duty in Vadamalai Police station on the date of the alleged occurrence have failed to perform their duties properly. It is further submitted that the respondent has completed the investigation and also laid a final report in this case.

7. Considering the fact that the occurrence had taken place in the year 2010 and the stage of the investigation, this Court is of the view that the petitioners are entitled for anticipatory bail when certain conditions.

8. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.1, Dindigul and on each of them 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 petitioners shall appear before the respondent police daily at 10.00a.m. until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. Scrupulously.

9. The petitioners 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/-
05/08/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1. THE JUDICIAL MAGISTRATE NO.I, DINDIGUL.
2. -DO- THRO THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL.
3. THE INSPECTOR OF POLICE, CBCID, MADURAI CITY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.T.LAJAPATHI ROY Advocate SR.No. 44481

SR : 14.08.2015 : 2P/6C

ORDER
IN
CRL OP(MD) No.14035 of 2015
Date :05/08/2015