



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

Tuesday, the Eleventh day of August Two Thousand Fifteen

PRESENT

THE HON'BLE MR JUSTICE K.KALYANASUNDARAM

CRL OP(MD) No.14240 of 2015

M.SIVABALAN

... PETITIONER/ACCUSED

Vs

THE INSPECTOR OF POLICE,
SIVAKASI TOWN POLICE STATION,
(CRIME NO. 168 OF 2015) SIVAKASI,
VIRUDHUNAGAR DISTRICT.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.SAJI CHELLAN FOR M/S.M.PADMAVATHY 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 :-

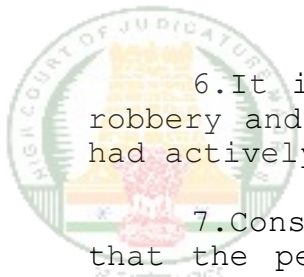
The petitioner, who is arrayed as A3 apprehends arrest at the hands of the respondent police for the alleged offence punishable under 174 of Cr.P.C @ section 302 IPC r/w 397 of IPC, in Crime No.168 of 2015 on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that on 31.03.2015, the deceased Shyamala Devi was murdered by the accused for gain.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and based on the confession of the co-accused, he has been falsely implicated in this case as the petitioner is the son of A1. Even according to the prosecution, A3 watching the movement of the public near the place of occurrence, while A1 and A2 have committed the offence and that the prime accused were arrested and remanded to judicial custody.

4.The learned Government Advocate (Criminal side) appearing for the respondent submitted that this is a case of murder for gain and the victim is an innocent aged lady and the confession of A1 and A2 would reveal that the petitioner had also actively participated in the commission of the offence and the investigation is at the initial stage and therefore, the petitioner is not entitled for anticipatory bail.

5.The respondent filed a counter stating that the petitioner/A3 only purchased medicine, which was used in the commission of offence and the petitioner has absconded immediately after the occurrence along with the car used by the other accused for commission of the offence and the accused had also taken away the money from the house of the deceased. It is further stated that the car and money have to be seized from the petitioner and the petitioner is necessary for recovery of the material objects and to unearth the truth as well as to proceed with the further investigation.



6.It is seen that the innocent aged lady was killed for committing robbery and the confession of A1 and A2 would reveal that the petitioner had actively participated in the commission of the offence.

7.Considering the gravity of the offence, this court is of the view that the petitioner is not entitled for anticipatory bail. Hence, this petition is dismissed.

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sd/-
11/08/2015

/ TRUE COPY /

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

TO

1. THE INSPECTOR OF POLICE, SIVAKASI TOWN POLICE STATION,
SIVAKASI, VIRUDHUNAGAR DISTRICT.
 2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.M.PADMAVATHY Advocate SR.No. 45392
- SR : 17.08.2015 : 2P/4C

ORDER
IN
CRL OP(MD) No.14240 of 2015
Date :11/08/2015