



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.17085 of 2015

1 H.GANAGANESHAN
2 G.VIKKI @ VIGNESH
3 A. RADHAKRISHNAN
4 G.AMULU

..PETITIONERS/ACCUSED 1,4,5 & 7

Vs.

STATE REP.BY
THE INSPECTOR OF POLICE,
KURUMBUR POLICE STATION,
TUTICORIN DISTRICT.
CRIME NO 145/2015

... RESPONDENT/COMPLAINANT

For Petitioners : M/S A.RAMESH MANIKANDAN Advocate
For Respondent : MRS.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 accused Nos.1,4,5 & 7, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 342, 294(b), 323, 307 and 506(ii) of IPC altered into 302 of IPC, in Crime No.145 of 2015 on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that on 21.08.2015, due to previous enmity, the accused Nos.1 and 5 have attacked the deceased with stick and caused his death, while other accused instigated them.

3.The learned counsel for the petitioners submitted that the accused and the deceased are relatives and while they attended the marriage on 21.08.2015, a wordy quarrel arose between them and thereafter, the petitioners wanted to go away from the place. The deceased, who was in an inebriated mood was folding the bumper of their Scorpio Car and thereby, he sustained injuries and later died.

4.He further submitted that the accused were not aware of the fact that the deceased was dragged by their vehicle and therefore, they cannot be prosecuted for an offence under Section 302 IPC.

5.Per contra, the learned Government Advocate (Crl.side) submitted that the Post-mortem report of the deceased would reveal that the first accused and his driver/5th accused have attacked the deceased with stick and caused fracture of ribs 6-8 cms and contusion on Scalp 6 cms x 4 cms in the left temporal region and it would prove that the defence of the accused is false.



6. Considering the overt-act attributed against the petitioners 1 and 3, this Court is not inclined to grant anticipatory bail to them. The learned counsel for the petitioners seeks permission of this Court to withdraw the petition in respect of the petitioners 1 and 3 and hence, this petition is dismissed as against petitioners 1 and 3.

7. Considering the overt-act attributed against the petitioners 2 and 4, this Court is inclined to grant anticipatory bail to the petitioners 2 & 4, with certain conditions. Accordingly, the petitioners 2 & 4 are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Srivaikundam 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 2 & 4 shall appear before the respondent police daily at 10.00 a.m., until further orders. The petitioners 2 & 4 shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

8. The petitioners 2 & 4 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

TO

1 THE JUDICIAL MAGISTRATE,
SRIVAIKUNDAM.

2 -DO- THRO' THE CHIEF JUDICIAL MAGISTRATE
TUTICORIN.

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

4 THE INSPECTOR OF POLICE,
KURUMLBUR POLICE STATION,
TUTICORIN DISTRICT.

+1. CC to M/S A.RAMESH MANIKANDAN Advocate SR.No.57280

Akm/30.09.2015 /2p-7c/