



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

Thursday, the Twenty Ninth day of October Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) Nos.17609 & 20488 of 2015

P. SELVAKUMAR

... PETITIONER / ACCUSED No.2
in CRL OP(MD) No.17609 of 2015

1. P.MAYA THEVAR

2. R.MUTHUPANDI

... PETITIONER / ACCUSED No. 7 & 6
in CRL OP(MD) No.20488 of 2015

Vs

THE STATE THROUGH
THE INSPECTOR OF POLICE
SEMPATTI POLICE STATION
DILNDILGUL DISTRICT
(CRIME NO.294 OF 2015)

... RESPONDENT / COMPLAINANT
IN BOTH PETITIONS

For Petitioner : M/S K.MAHENDRAN Advocate in CRL OP(MD) No.17609 of 2015

For Petitioner : M/S P.SENGUTTARASAN Advocate
in CRL OP(MD) No.20488 of 2015

For Respondent : M/S.A.P.BALASUBRAMANI Govt. Advocate (Crl. Side)
in both petitions

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

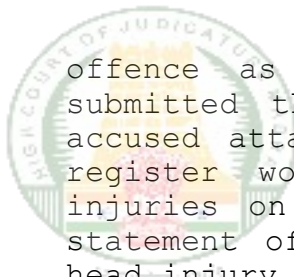
COMMON ORDER : The Court Made the following order :-

The petitioner in Crl.O.P.(MD)No.17609 of 2015, who is arrayed as A2 and the petitioners in Crl.O.P(MD)No.20488 of 2015, who are arrayed as A7 and A6 apprehend arrest at the hands of the respondent police for the alleged offences punishable under sections 147, 148, 341, 324 and 307 of IPC @ 147, 148, 341 and 302 of IPC, in Crime No.294 of 2015 on the file of the respondent police and hence, seek anticipatory bail respectively.

2.According to the de-facto complainant viz., Athiveerapandian that on 06.09.2015 at 8.00 p.m, he along with one Moorthy and Jamal Mohammed had gone to a TASMAL Bar, where the accused Selvakumar, Kumaravel along with other persons developed quarrel with Jamal Mohammed stating that he was supporting their enemy Sathish and started attacking Jamal Mohammed with aruval and sticks and thereafter, Muthiah attacked with reaper and caused his death.

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3.Mr.K.Mahendran, learned counsel for the petitioner/A2 submitted that the petitioner/A2 is an innocent person and he has not committed any



offence as alleged by the prosecution. The learned counsel further submitted that as per the statement of the de-facto complainant, the accused attacked the deceased with aruval on his leg, but the accident register would show that the deceased had sustained only lacerated injuries on his leg; that there is no corresponding injury as per the statement of the de-facto complainant and that the deceased died due to head injury, which was not caused by the petitioner.

WEB COPY

4.Mr.P.Senguttarasan, learned counsel for the petitioners/A6 and A7 submitted that the petitioners/A6 and A7 are innocent persons and they have been falsely implicated in this case based on the confession of the co-accused. The deceased was already involved in so many criminal case. It is further submitted that the petitioners names are not mentioned in the FIR and similarly placed accused were already enlarged on anticipatory bail by this court in CrI.O.P(MD)No.18511 of 2015, dated 15.10.2015.

5.The learned Government Advocate (Criminal side) and the learned counsel for the intervenor vehemently opposed granting of anticipatory bail to the petitioners contending that the petitioners names are mentioned in the FIR, there are specific overtacts attributed against them and custodial interrogation of the petitioners is very much necessary in this case.

6.However, considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.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.VI, Madurai 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 10.00 a.m until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. Scrupulously.

8.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/-
29/10/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO
1 THE JUDICIAL MAGISTRATE, NO.VI, MADURAI.
2 THE CHIEF JUDICIAL MAGISTRATE MADURAI.
3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
4 THE INSPECTOR OF POLICE, SEMPATTI POLICE STATION, DILINDILGUL DISTRICT.
+1. CC to M/S K.MAHENDRAN Advocate SR.No.63372.
+1cc to M/S.P.Senguttarasan, Advocate in SR.No. 63371

TS/30.10.2015/2P-7C / KBM/SAR - I
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ORDER IN
CRL OP(MD) Nos.17609 & 20488 of 2015
Date :29/10/2015