



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.17652 of 2015

FRANKO

... PETITIONER / SOLE ACCUSED

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE
AUTHOOR POLICE STATION,
THOOTHUKUDI DISTRICT,
(CR.NO.326/2015) ... RESPONDENT/ COMPLAINANT

For Petitioner : M/S S.DEENADHAYALAN Advocate

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

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

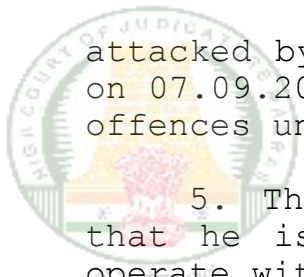
ORDER : The Court Made the following order :-

The petitioner, who is arrayed as sole accused, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 302 of the Indian Penal Code in Crime No.326 of 2015 on the file of the respondent police and hence, seeks anticipatory bail.

2. According to the prosecution, due to previous enmity, the accused attacked one Milton with hands and legs and caused the death.

3. The learned counsel for the petitioner submitted that on 05.09.2015, a meeting was conducted at Madha Church to select Festival Committee Members and in the meeting, a discussion arose about inclusion of bachelors in the Committee. The deceased Franklin had supported that the bachelors have to be included in the Festival Committee which was opposed by the accused and on the next day, the petitioner is said to have attacked the deceased with hands.

4. The learned counsel for the petitioner submitted that the occurrence is said to have been taken place at 11.30 a.m., on 06.09.2015, but the deceased developed giddiness only at 04.00 p.m., on the same day and thereafter, he was admitted in the hospital and he died due to natural death. However, due to previous enmity, the petitioner has been falsely implicated in this case and he was also



attacked by the son-in-laws of the deceased causing 11 cut injuries on 07.09.2015, for which, a case was registered against them for the offences under Sections 294(b) and 307 of the Indian Penal Code.

5. The learned counsel for the petitioner further submitted that he is discharged from the hospital and he is ready to co-operate with the investigation and trial.

6. The learned Government Advocate (Criminal Side) opposed the anticipatory bail petition contending that the occurrence had taken place only on 06.09.2015 and it is too early for considering the anticipatory bail and as per the prosecution witnesses, the deceased was attacked by the petitioner with hands and therefore, he is not entitled for anticipatory bail.

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

8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Tiruchendur 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 report before the respondent police daily at 10.00 a.m., until further orders. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C. Scrupulously.

9. 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, TIRUCHENDUR.
- 2 DO THRO' THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
- 4 THE INSPECTOR OF POLICE
AUTHOOR POLICE STATION, THOOTHUKUDI DISTRICT
- +1. CC to M/S S.DEENADHAYALAN Advocate SR.No.57393

ORDER
IN
CRL OP(MD) No.17652 of 2015
Date : 29/09/2015