



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.17805 of 2015

M.SIVABALAN

... PETITIONER / ACCUSED No.3

Vs

THE STATE REP.BY THE INSPECTOR OF POLICE
SIVAKASI TOWN POLICE STATION,
CR. NO.168/2015.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S S.VENKATESAN Advocate

For Respondent : M/S.S.Prabha Government 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 sections 302 and 397 of IPC, in Crime No.168 of 2015 on the file of the respondent police and hence, seeks anticipatory bail.

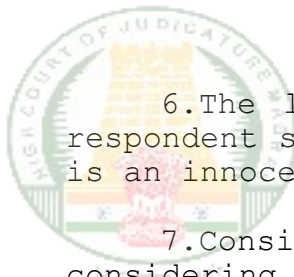
2.The case of the prosecution is that on 31.03.2015, the deceased Shyamala Devi was murdered by the accused for gain.

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. The learned counsel further submitted that according to the prosecution, the petitioner has purchased the sedative medicine, that was injected by A1 and A2 at the time of commission of the offence, but the confession of A1 and A2 would reveal that the sedative medicine was purchased by A2.

4.The learned counsel further submitted that immediately after the occurrence, the wife of A1 and the petitioner/A3 were taken into custody by the respondent police and they were pressurised by the investigating officer to give Rs.4 Lakhs as bribe to let off them from the case, for which the petitioner/A3 along with his mother sent a representation to the higher authorities of the respondent and thereafter, the investigating officer was trapped in an another case and now, he is placed under suspension.

<https://hcservices.ecourts.gov.in/hcservices/>

5.The learned counsel further submitted that A1 and A2 were enlarged on bail by the learned Principal Sessions Judge, Virudhunagar, in Crl.M.P.Nos.4744 and 4745 of 2015, dated 27.07.2015.



6.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 investigation is almost completed.

7.Considering the facts and circumstances of the case and also considering the fact that A1 and A2 were enlarged on bail by the Sessions Court, 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, Sivakasi and on his 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 shall appear before the respondent police daily at 10.00 a.m until further orders. The petitioner shall comply with the condition 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.)

TO

1 THE JUDICIAL MAGISTRATE, SIVAKASI.

2 DO THRO THE CHIEF JUDICIAL MAGISTRATE, VIRUDHUNAGAR AT SRIVILLIPUTHUR.

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

4 THE INSPECTOR OF POLICE, SIVAKASI TOWN POLICE STATION.

+1. CC to M/S S.VENKATESAN Advocate SR.No. 57339.

TS/01.10.2015/2P - 6C sk-skn/SAR -II

ORDER
IN
CRL OP(MD) No.17805 of 2015
Date :29/09/2015