



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

Tuesday, the Third day of February Two Thousand Fifteen
PRESENT

THE HON`BLE MR JUSTICE P.N.PRAKASH
CRL OP(MD) No.1816 of 2015

DURAI RAJ

... PETITIONER/ACCUSED

Vs

THE INSPECTOR OF POLICE
UTHUMALAI POLICE STATION,
TIRUNELVELI DISTRICT.
CR. NO. 35 OF 2014.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.K. MAHENDRAN Advocate

For Respondent : MR.A.P.BALASUBRAMANIAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

Apprehending arrest at the hands of the respondent police for offences under Sections 147, 148, 294(b) and 302 IPC in Crime No.35 of 2014 on the file of the respondent police, the petitioner is before this Court seeking anticipatory bail.

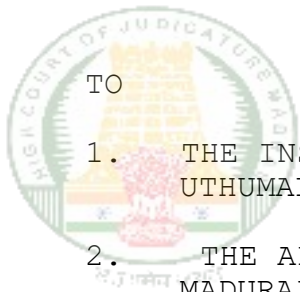
2. It is the third anticipatory bail application and earlier applications were dismissed as withdrawn and in one application a detail order had been passed.

3. Mr.K.Mahendran, learned counsel for the petitioner submits that in the earlier application, in which, detailed order was passed, there was mis-appreciation of actual facts and therefore, he submits that this application is maintainable. His explanation is accepted.

4. Today, this Court has *de-novo* went into the facts of the case. It is seen from the FIR that the de-facto complainant and the deceased were going in a motorcycle and they were intercepted by four persons in two motorcycles and the FIR discloses the names of all the four persons and one such person is the petitioner herein. After intercepting the de-facto complainant, three of the accused, who had dangerous weapons kept with them, pulled them out and on the instigation of this petitioner, they hacked the deceased. Thus, the presence of this petitioner was disclosed even at the earliest point of time and that he had incited the other accused to commit the crime. Having regard to the facts and circumstances and gravity of offences against the petitioner, I am not inclined to grant anticipatory bail to the petitioner and accordingly, this petition is dismissed.

sd/-
03/02/2015

/ TRUE COPY /



TO

1. THE INSPECTOR OF POLICE
UTHUMALAI POLICE STATION, TIRUNELVELI DISTRICT.
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

WEB COPY

SR : 05.02.2015 : 2p/3c

ORDER
IN
CRL OP(MD) No.1816 of 2015
Date :03/02/2015