



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

Thursday, the First day of October Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.18430 of 2015

GANESHBABU

... PETITIONER/ACCUSED NO.1

Vs.

STATE REP.BY
THE INSPECTOR OF POLICE
AMMAPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
(CRIME NO. 51 OF 2014)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.M.MICHAEL BHARATHI Advocate

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

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

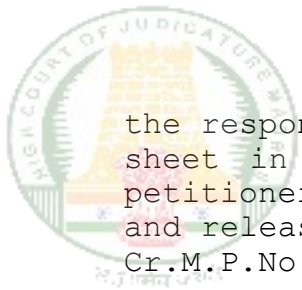
ORDER : The Court Made the following order :-

The petitioner, who is arrayed as A1 apprehends arrest at the hands of the respondent police for the alleged offence punishable under section 174 Cr.P.C @ 302 and 201 of IPC, in Crime No.51 of 2014 on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that the deceased Pandeewari was having love affair with one Mukesh and she was insisting to marry her, but the parents of the said Mukesh refused for their marriage stating that the relationship between them is brother and sister and that on 30.08.2014, when A2 had requested her daughter Pandeewari to go for cooking, she persisting her demand of marriage with Mukesh, refused to do domestic works, so the 1st accused murdered her by strangulating her neck, while A2 was caught hold the legs of the deceased.

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. The learned counsel further submitted that the petitioner is the brother of the deceased Pandeewari and A2 is her mother; that the case was registered based on the complaint of A2 on 30.08.2014, in which she has stated that the deceased died due to accidental fire. However, the case was altered into sections 302 and 201 IPC after obtaining post-mortem certificate, in which it is stated that there was depressed impression seen on the upper part of neck running from the right side to left side of neck.

4.The learned counsel further submitted that the deceased had sustained 100% burn injury and there is every possibility of rapture at the time of occurrence and there is no eye witness to the occurrence and the prosecution rests only on the circumstantial evidence. The learned counsel further submitted that



the respondent has completed the investigation and also laid a charge sheet in this case and therefore, custodial interrogation of the petitioner is not at all necessary and that A2 was already arrested and released on bail by the Principal Sessions Judge, Virudhunagar in Cr.M.P.No.329 of 2015, dated 27.01.2015.

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5.The learned Government Advocate (Criminal side) vehemently opposed grant of anticipatory bail to the petitioner contending that the medical evidence would categorically establish that the deceased died due to strangulation and the extra-judicial confession of A2 also supports the case of the prosecution. It is further submitted that since, there is specific overtact attributed against this petitioner, this court cannot show any indulgence in his favour.

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

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.II, Sattur 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 Inspector of Police, attached to Anna Nagar Police Station, Madurai daily at 06.00 p.m until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

8.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/-

01/10/2015

/ TRUE COPY /

Sub-Assistant Registrar

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, SATTUR.
- 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, AMMAPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 5 THE INSPECTOR OF POLICE,
ANNA NAGAR POLICE STATION, MADURAI.

+1. CC to M/S.V.SASIKUMAR, Advocate SR.No.58271

Akm/08.10.2015 /2p-7c/

ORDER
IN CRL OP(MD) No.18430 of 2015
Date :01/10/2015