



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Tuesday, the Thirteenth day of October Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.19367 of 2015

YOGARAJ

..PETITIONER/ACCUSED No.3

Vs.

STATE REP.BY THE INSPECTOR OF POLICE,
D1, THALLAKULAM POLICE STATION,
MADURAI.

CR.NO.972 OF 2015.

..RESPONDENT/COMPLAINANT

For Petitioner : M/S.B.SUTHA SATHAYANANTH 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 :-

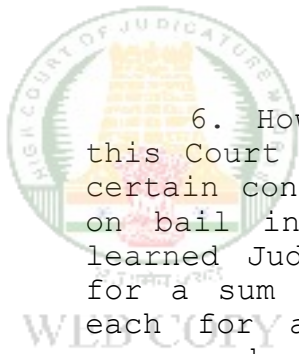
The petitioner, who is arrayed as A3, apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 341, 294(b), 324 and 506(ii) of I.P.C., @ Section 302 of I.P.C., in Crime No.972 of 2015 on the file of the respondent police and hence, seeks anticipatory bail.

2. According to the deceased Saravanan, that on 23.08.2015, he had been at the TASMAC Bar in BB Kulam, Nethaji Main Road, Indra Nagar-I and at that time, the fourth accused demanded the deceased to buy a quarter bottle (brandy) for them and when it was refused, the accused No.1 attacked the deceased with iron rod and the accused No.2 attacked the deceased with broken beer bottle on the head and caused grievous injuries and later, he died on 27.08.2015.

3.The learned counsel for the petitioner submitted that the case was registered based on the complaint given by the deceased himself and even the de-facto complainant has not attributed any overt act against the petitioner and as per the statement of the deceased, the accused prevented the deceased from going out of the wine shop and that the co-accused were released on Anticipatory Bail in Crl.OP(MD)No.17104 of 2015 and Crl.OP(MD)No.18683 of 2015.

4. The learned counsel for the petitioner further submitted that the petitioner is an innocent and he has been falsely implicated in this case.

5. The learned Government Advocate (Crl.side) submitted that the accused 1 and 2 have been arrested on 28.08.2015 and the fourth accused has surrendered before the Judicial Magistrate on the same day and since the specific overt act attributed against the petitioner, he is not entitled for anticipatory bail in a case of murder.



6. However, considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of his arrest or on his appearance before the learned Judicial Magistrate No.II, Madurai 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.

7. 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/-

13/10/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE JUDICIAL MAGISTRATE NO.II, MADURAI.

2 -do-thro'THE CHIEF JUDICIAL MAGISTRATE,MADURAI.

3 THE ADDL.PUBLIC PROSECUTOR,MADURAI BENCH OF MADRAS HIGH COURT,MADURAI.

4 THE INSPECTOR OF POLICE, D1, THALLAKULAM POLICE STATION, MADURAI.

+1. CC to M/S.B.SUTHA SATHAYANANTH Advocate SR.No.60597

ORDER IN

CRL OP(MD) No.19367 of 2015

Date :13/10/2015

PBK/NGM-SS/SAR-II 16/10/2015 ::2P-6C::