



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

Thursday, the Nineteenth day of November Two Thousand Fifteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.19422 of 2015

MADASAMY

... PETITIONERS/ACCUSED NO.3

Vs

STATE: REPRESENTED BY
THE INSEPECTOR OF POLICE
THALAYUTHU POLICE STATION,
THIRUNELVELI DISTRICT,
CRIME NO.297 OF 2015

... RESPONDENT/COMPLAINANT

ANNATHAI

... INTERVENOR

For Petitioner : M/S.T.A.EBENEZER Advocate

For Respondent : MR.K.ANBARASAN, Government Advocate (Crl. Side)

For Intervenor : Mr.S.Gokulraj, Advocate

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

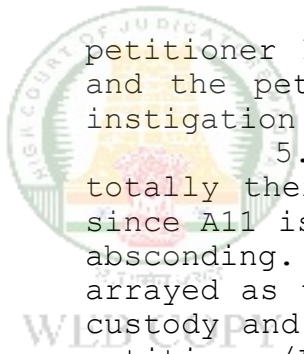
ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused No.3 in Crime No.297 of 2015 on the file of the respondent police, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 120(B) and 302 IPC and hence, seek anticipatory bail.

2. The case of the prosecution is that there was previous enmity between the petitioner and others and the deceased with regard to management of the temple festival. The deceased helped to give police complaint against the first accused and one Mani with regard to theft committed in the temple. On this motive, the accused murdered the deceased with arival on 25.09.2015.

3. The case of the petitioner is that the petitioner is an innocent person and he has been falsely implicated in this case due to previous enmity and he is working as the Superintendent in NCC Office at Tirunelveli and the petitioner is a Government servant and he has no bad antecedents.

4.The learned counsel for the intervenor submitted that due to previous enmity, the petitioners and others murdered her husband and the



petitioner has created alibi, which cannot be considered at this stage and the petitioner is a king pin of the entire occurrence and at his instigation only, the deceased was murdered.

5. The learned Government Advocate (Crl.side) submitted that totally there are 11 accused and A1, A2, A5, A6, A11 were arrested and since A11 is a juvenile, he was released and A7, A8, A9 and A10 are still absconding. A2 and A3 are having same overt act and the petitioner is arrayed as the third accused and the second accused is still in judicial custody and A2 and A3 have instigated to murder the deceased and if the petitioner/A3 is released on anticipatory bail, he will tamper the evidence and hamper the investigation.

6. Considering the gravity of the offence and the specific overt act attributed to the petitioner, I am not inclined to grant anticipatory bail to the petitioner. Hence, this petition is dismissed.
19.11.2015

sd/-
19/11/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE INSEPECTOR OF POLICE, THALAYUTHU POLICE STATION,
THIRUNELVELI DISTRICT.

2 THE ADDITIONAL PUBLIC PROSECTUOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.T.A.EBENEZER Advocate SR.No.66569

+1. CC to MR.S.GOKULRAJ, Advocate SR.No.66344

ORDER
IN
CRL OP(MD) No.19422 of 2015
Date :19/11/2015

CSL/SK-SKN/SAR-II/23.11.2015
2P/5C