



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

Wednesday, the Twenty Eighth day of October Two Thousand Fifteen
PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.20460 of 2015

S.P.SARAVANAN

..PETITIONER/ACCUSED No.5

Vs.

STATE REP.BY THE INSPECTOR OF POLICE
VILLOOR POLICE STATION,
MADURAI DISTRICT.
(IN CRIME NO. 84/2015)

..RESPONDENT/COMPLAINANT

For Petitioner : M/S S.MALAIKANI 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 :-

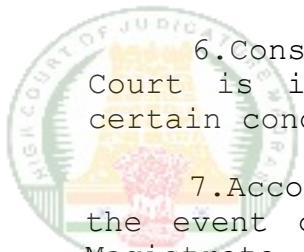
The petitioner, who is arrayed as A5 apprehends arrest at the hands of the respondent police for the alleged offences punishable under sections 147, 148, 364, 302 and 120(b) of IPC, in Crime No.84 of 2015 on the file of the respondent police and hence, seeks anticipatory bail.

2.According to the de-facto complainant that on 13.10.2015 at 5.30 a.m, her husband went along with Marimuthu/A6 to Villur and thereafter, at 1.30 p.m, she was informed that her husband was murdered by somebody and on the same day at 07.00 p.m, she lodged a complainant with the Virudhu Nagar West police station for 'Man Missing' and thereafter, on 15.10.2015 her husband was found murdered by the accused.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely roped in this case due to the reason that he is the friend of A6/Marimuthu. The learned counsel further submitted that this case was registered based on the 2nd complaint lodged by the de-facto complainant and the earlier complaint, dated 13.10.2015 was given only for "Man Missing", though the de-facto complainant knew that her husband was murdered at 1.30 p.m on 13.10.2015.

4.The learned counsel further submitted that the deceased is a rowdy element and he was facing two 302 IPC cases and three 307 IPC cases and the petitioner is a respectable person and he is ready to co-operate with the investigation in this case and since the prime accused has already been secured by the respondent police, his custodial interrogation is not at all necessary.

5.The learned Government Advocate (Criminal side) for the respondent vehemently opposed grant of anticipatory bail to the petitioner contending that as per the confession of the co-accused, the petitioner/A5 was insisting A6 to bring the deceased to the scene of occurrence and thereafter, A1 to A4 have attacked him with deadly weapons and caused his death. It is further submitted that the petitioner has no bad antecedents.



6. Considering the above facts and circumstances of the case, 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, Thirumangalam 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.

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/-

28/10/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE JUDICIAL MAGISTRATE, THIRUMANGALAM, MADURAI DISTRICT.

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, VILLOOR POLICE STATION, MADURAI DISTRICT.

+1. CC to M/S S.MALAIKANI Advocate SR.No.63016

ORDER IN

CRL OP(MD) No.20460 of 2015

Date :28/10/2015

PBK/SK-SKN/SAR-I 30/10/2015 ::2P-6C::