



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.20533 of 2015

1 MUTHURAJA

2 GOBI

..PETITIONERS/ACCUSED 7 & 8

Vs.

STATE REP.BY THE INSPECTOR OF POLICE
KENIKKARAI POLICE STATION,
RAMANATHAPURAM DISTRICT.
(CR.NO.318 OF 2015)

..RESPONDENT/COMPLAINANT

For Petitioner : M/S.SHANMUGA SUNDARAM, Senior Counsel
for Mr.S.RAVI Advocate

For Respondent : M/s.S.PRABHA, Government Advocate (Crl.Side)

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

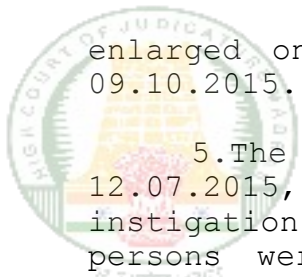
ORDER : The Court Made the following order :-

The petitioners, who are arrayed as A7 and A8 apprehend arrest at the hands of the respondent police for the alleged offences punishable under sections 147, 148, 149 and 302 IPC @ 120(B), 109, 302 IPC r/w 34 of IPC, in Crime No.318 of 2015 on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that the deceased Tamilarasan is a retired Assistant Executive Engineer from TNEB and there was a civil dispute pending between the Panchayat President Kottaichamy and the accused, in which the deceased had been intervening to help the said Kottaisamy. Further, the accused have also suspected the involvement of the deceased Tamilarasan in the murder of the brother of A3, namely Sundar Raj in the year 2013 and due to enmity that on 12.07.2015 A1 to A3 have attacked the deceased with aruval and knife, at the instigation of A4 to A8.

3.Shri.Shanmuga Sundaram, learned Senior counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely roped in this case. The learned Senior counsel further submitted that the deceased Tamilarasan, while he was working as Assistant Executive Engineer in TNEB was doing money lending business and real estate business and he was refused his debtors from redeeming the property and he was having enmity with other people also and the accused have been implicated in this case only on suspicion and even according to the prosecution, the deceased died due to the fatal injuries inflicted by A1 and A2 and the overtact attributed against A7 and A8 is that they have instigated for the commission of the offence.

4.The learned Senior counsel further submitted that the 1st petitioner is the son-in-law of A1 and the 2nd petitioner is the younger sister's son of A3 and they have been falsely implicated in this case with an ulterior motive and that the similarly placed co-accused were



enlarged on bail by this court in Crl.O.P(MD)No.16935 of 2015, dated 09.10.2015.

5.The learned Government Advocate (Criminal side) submitted that on 12.07.2015, A1 and A2 have committed the daylight murder at the instigation of these petitioners. CCTV footage would reveal that three persons were chasing the deceased in a two wheeler. It is further submitted that all the accused conspired themselves and planned to commit the murder of the deceased and the investigation is at initial stage and if the accused are released on bail, they will hamper further investigation.

6.However, considering the overtact attributed against petitioners and also considering the fact that the co-accused were released on bail, this court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.II, Ramanathapuram and on each of them 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 petitioners shall appear before the respondent police daily at 10.00 a.m until further orders. The petitioners shall comply with the condition stipulated under section 438 Cr.P.C scrupulously.

8.The petitioners 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 NO.II, RAMANATHAPURAM.

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

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

4 THE INSPECTOR OF POLICE, KENIKKARAI POLICE STATION,
RAMANATHAPURAM DISTRICT.

+1. CC to M/S S.RAVI Advocate SR.No.63043

ORDER IN

CRL OP(MD) No.20533 of 2015

Date :28/10/2015

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