



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

Tuesday, the Twenty Fourth day of November Two Thousand Fifteen

PRESENT

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

CRL OP(MD) No.21632 of 2015

1 D. JAYACHANDRAN

2 RAVI

... PETITIONERS/ACCUSED RANK NOT KNOWN

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE
ASARIPALLAM POLICE STATION,
KANYAKUMARI DISTRICT,
CRIME NO.238 OF 2015

... RESPONDENT/COMPLAINANT

For Petitioner : M/S S.PALANI VELAYUTHAM Advocate

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

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

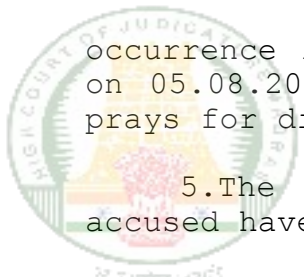
ORDER : The Court Made the following order :-

The petitioners apprehend arrest at the hands of the respondent police for the alleged offence punishable under sections 147, 148, 149, 342, 294(b), 506(ii) and 302 of I.P.C, in Crime No.238 of 2015, seek anticipatory bail.

2.The case of the prosecution is that the deceased was a 23rd Ward Councilor and on 20.07.2015 at about 07.00 p.m., six unknown persons came with deadly weapons and caused grievous cut injuries with aruval on the head of the deceased and subsequently he got fell down on the way to the hospital and lost his breath.

3.The case of the petitioners is that originally the petitioners' names have not found in the FIR. Subsequently, the first petitioner's name has been impleaded due to enmity. Though the second petitioner is the resident of Nagercoil and he did not participate in the alleged occurrence, only in view of the election motive, his name has been impleaded by the respondent police. There is no specific overt act as against these petitioners.

4.The learned Government Advocate (crl. Side) appearing for the State submitted that the petitioners are A6 and A9 respectively. The petitioners along with other accused conspired and committed the murder of a Councillor belonging to DMK party. The weapons are yet to be seized from the petitioners. He further submitted that the investigation is pending and if the petitioners are ordered to be released on bail, there is a possibility of the petitioners being absconded. The date of



occurrence is 20.07.2015. The first accused surrendered before the Court on 05.08.2015, the second accused surrendered on 24.08.2015, and hence, prays for dismissal of this petition.

5.The learned counsel for the petitioners submitted that all the accused have been arrested and enlarged on bail, by the lower Court.

6.Considering the facts and circumstances of the case and also considering the fact that the weapons are yet to be recovered from the petitioners and gravity of the offence coupled with the fact that the petitioners are the main accused in this case, this Court is not inclined to grant anticipatory bail to the petitioners. Accordingly, this Criminal Original Petition is dismissed.

sd/-
24/11/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE INSPECTOR OF POLICE, ASARIPALLAM POLICE STATION,
KANYAKUMARI DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECTUOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.21632 of 2015
Date :24/11/2015

NS/GSV-AN/SAR-I/14.12.2015
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