



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

Friday, the Twentieth day of November Two Thousand Fifteen

PRESENT

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

CRL OP(MD) No.21837 of 2015

M. UDHAYAKUMAR

... PETITIONER/ACCUSED NO.4

Vs

THE STATE THROUGH,
THE INSPECTOR OF POLICE
UCHIPULI POLICE STATION,
UCHIPULLI,
RAMANATHAPURAM DISTRICT.
(IN CRIME NO. 148 OF 2015)

... RESPONDENT/DE-JURE COMPLAINANT

For Petitioner : M/S.G.THIAGARAJAN 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 :-

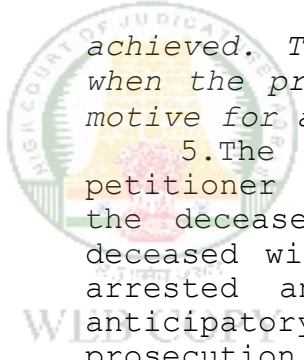
The petitioner, who is arrayed as accused No.4, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 294(b) and 302 of IPC, in Crime No.148 of 2015 on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that the deceased was working as a watchman in Om Sakthi Prawn Farm located at Thuthivalasai. The accused persons were taking Alcohol in the Om Sakthi Prawn Farm and the deceased instructed them not to take Alcohol in the Farm. Due to that motive, all the accused persons on 16.07.2015 entered into the Prawn Farm and attacked the deceased and caused death.

3.The case of the petitioner is that there is no motive attributed by the petitioner and only for registering the case, the motive has been attributed. The alleged motive is not sufficient enough for criminal liability. The occurrence took place on 16.07.2015 and the accused Nos.2 and 5 were arrested on 18.07.2015 and only on their confession, this petitioner has been falsely implicated in this case.

4.The learned counsel for the petitioner relied on the judgement reported in CDJ 1990 AII HC 307 (Naqli Vs. State of Uttar Pradesh) in paragraph 16 is held as follows:

"16..... A man is not supposed to take the lift of another just to commit the serious crime of murder. The motive has been defined as the ulterior intention I.e., an intention with which the desired result is



achieved. Thus, the motive, being a state of mind, there may be cases when the prosecuting agency may not be able to know as to what was the motive for a particular offence."

5.The learned Government Advocate (Crl.side) submitted that the petitioner is still absconding and the petitioner and A5 caught hold of the deceased and A1 and A2 hit on the backside of the head of the deceased with iron rod and thereby caused death. The other accused are arrested and enlarged on bail. If the petitioner is released on anticipatory bail, he will tamper the witnesses and the hamper the prosecution.

6.In the facts and circumstances of the case, the judgment relied on by the learned counsel for the petitioner does not advance the case of the petitioner.

7.In view of gravity of the offences and the petitioner is absconding, I am not inclined to grant anticipatory bail to the petitioner. Hence, this petition is dismissed.

sd/-
20/11/2015

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

TO

- 1 THE INSPECTOR OF POLICE, UCHIPULI POLICE STATION,
UCHIPULLI, RAMANATHAPURAM DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECTUOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.21837 of 2015
Date :20/11/2015

CSL/NGM-SS/SAR-I/30.11.2015
2P/3C