



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

Monday, the Ninth day of February Two Thousand Fifteen

PRESENT

THE HON`BLE MR JUSTICE P.N.PRAKASH

CRL OP(MD) No.2187 of 2015

N.RAJAGOPAL

... PETITIONER/ACCUSED (RANK NOT KNOWN)

Vs

THE INSPECTOR OF POLICE
SEMPATTI POLICE STATION,
DINDIGUL DISTRICT.
CR. NO. 36/2015.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.K. MAHENDRAN Advocate

For Respondent : MR.C.RAMESH, Govt. Advocate (Crl. Side)

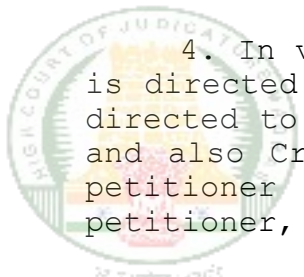
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 176 Cr.PC @ 201 IPC and 304(ii) IPC, in Crime No.36 of 2015 on the file of the respondent police, seeks anticipatory bail.

2. This is a second application for Anticipatory Bail. The first application for Anticipatory Bail in Crl.OP[MD].No.225 of 2015, was allowed by this Court, on 12.01.2015, granting Anticipatory Bail to the petitioner and at that time, no regular case was registered and thus, the petition was filed under the caption "Crime No. Not known".

3. This Court had gone through the averments in the complaint and after discussing the facts of the case in *extenso*, granted the relief of Anticipatory Bail to the petitioner. However, in the order dated 12.01.2015, instead of Section "304(ii)" IPC, it has been, inadvertently, mentioned as "304(B)" IPC. Therefore, the petitioner is apprehending arrest at the hands of the respondent police for the offence under Section 304(ii) IPC, on the premise that the earlier order would not protect the petitioner, as Section 304(ii) IPC has not been mentioned therein. The offence under Section 304(B), by no stretch of imagination, would apply to the case of the petitioner, since 304(B) IPC relates to dowry death. In this case, the allegation against the petitioner is that the father of the *de facto* complainant had gone for work in a Well of the petitioner and there, it is alleged that the sand caved in, on account of which, he died. But, the medical report says that the father of the *de facto* complainant died of hypertension due to sudden cardio respiratory arrest. Taking into consideration of the above, this Court granted Anticipatory Bail to the petitioner. The petitioner, pursuant to the said order, has furnished sureties and bond. Under such circumstances, the second application for Anticipatory Bail is not maintainable.



4. In view of the above, the second application for Anticipatory Bail is directed to be treated as an amendment application and the Registry is directed to incorporate Sections 201 and 304(ii) of the Indian Penal Code and also Crime No.36 of 2015 and issue fresh amended order copy to the petitioner in Crl.OP(MD).225/15. The sureties already furnished by the petitioner, pursuant to the order dated 12.01.2015, shall hold good.

5. The present Criminal Original Petition is closed with the above directions and observations.

sd/-
09/02/2015

/ TRUE COPY /

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

TO

1. THE INSPECTOR OF POLICE
SEMPATTI POLICE STATION, DINDIGUL DISTRICT.
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.K. MAHENDRAN Advocate SR.No. 6142

SR : 12.02.2015 : 2p/4c

ORDER
IN
CRL OP(MD) No.2187 of 2015
Date :09/02/2015