



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Monday, the Fifth day of January Two Thousand Fifteen
PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.22784 of 2014

WEB COPY

T. MURUGAVEL

... PETITIONER/ACCUSED RANK NOT KNOWN

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE
B-6 JAINHUDOPURAM POLICE STATION,
MADURAI CITY, MADURAI DT,
CRIME NO.762/2014

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.R.ANAND Advocate

For Respondent : Mr.A.P.BALASUBRAMANI,
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 offences punishable under Sections 147, 148, 120(B), 302 and 109 IPC in Crime No.762 of 2014 on the file of the respondent police, seeks anticipatory bail.

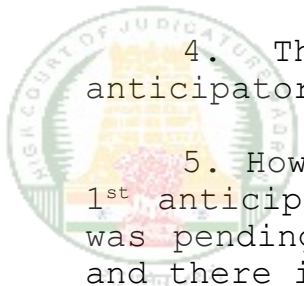
2. Mr.Anand, learned counsel for the petitioner submits that the name of this petitioner does not figure in the FIR and that it was revealed only on 26.09.2014 after the arrest of one Tirupathi. He further submits that co-accused in this case has been arrested and released on bail and investigation is almost complete.

3. The Hon'ble Supreme Court in a recent judgment in the case of **Rakesh Baban Borhade vs. State of Maharashtra and another,** reported in **2014 (13) Scale 93,** has held as follows:

"8...The Court would grant or refuse anticipatory bail after taking into consideration the following factors, namely:-

"(i) the nature and gravity of the accusation...."

Anticipatory bail is not to be granted as a matter of rule, but should be granted only when a special case is made out and the Court is convinced that the accused would not misuse his liberty....."



4. This is 2nd anticipatory bail petition and the 1st anticipatory bail petition was dismissed by this Court on merits.

5. However, learned counsel for the petitioner submits that the 1st anticipatory bail petition was dismissed, because investigation was pending at that time. Now the investigation has been completed and there is no necessity for any custodial interrogation.

6. Learned Government Advocate (Crl.Side) submits that some of the accused are absconding in this case.

7. In the judgment referred to supra, the Hon'able Apex Court has clearly stated that the grant of anticipatory bail should be on the basis of the gravity of the allegation. In this case, three persons have been done to death in gruesome manner and this petitioner is the sister of the said Tirupathi, who was arrested and he has given a statement to the Police on 26.09.2014 about the involvement of this petitioner in the conspiracy.

8. Taking into consideration the gravity of the allegation against this petitioner in the facts and circumstance of the case, I am not inclined to grant anticipatory bail to this petitioner. Hence, the Criminal Original Petition is dismissed.

sd/-

05/01/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE INSPECTOR OF POLICE B-6 JAINHUDOPURAM POLICE STATION,
MADURAI CITY, MADURAI DT,

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

ORDER

IN

CRL OP(MD) No.22784 of 2014

Date :05/01/2015

NA/08/01/2015/P2/3C