



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Monday, the Twenty Third day of February Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.3175 of 2015

SOUNDARAJ

..PETITIONER/ACCUSED No.1

Vs.

STATE REP.BY THE INSPECTOR OF POLICE  
KANNIVADI POLICE STATION,  
DINDIGUL DISTRICT.  
(CR.NO.82 OF 2014)

..RESPONDENT/COMPLAINANT

For Petitioner : M/S.D.SELVARAJ Advocate

For Respondent : Mr.A.P.BALASUBRAMANI, Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate (crl. side) appearing for the respondent police.

2. It is the case of the prosecution that the deceased Sakthivel is the brother of Soundaraj, the petitioner herein. It is alleged that Soundaraj was having illicit intimacy with the wife of the petitioner.

3. Be that as it may, there also appears to be the property dispute between the petitioner and his brother Sakthivel. On 28.04.2014, the body of the Sakthivel was found in the house and when it was being taken for cremation, the Village Administrative Officer lodged a complaint of suspicious death and a case under Section 174 Cr.P.C. was registered. The body was thereafter sent for post-mortem. During the post-mortem several injuries were found and one injury is found on the temporal occipital region of the skull. Thereafter, the case was altered into one under Section 302 IPC and A3 by name Kannan was arrested by the police. During the investigation, it came to light that there was a quarrel between the deceased Sakthivel and the accused, in which, this petitioner took iron rod and had assaulted Sakthivel on his head.

4. The learned counsel for the petitioner would submit that A2 in this case has been granted anticipatory bail by this Court.

5. Be that as it may, this Court called for the post-mortem report and the confession statement of the co-accused to find out if there is any prima facie mentioned against this petitioner.

6. On a perusal of the post-mortem report, the injuries found therein are indeed very serious in nature, inasmuch as there is a head injury, as stated above, which to some extent probablises the version of A3 that this petitioner had used an iron rod to attack the deceased.

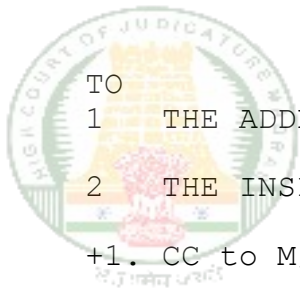
7. In such circumstances, this is not a fit case for granting anticipatory bail to the petitioner.

8. In the result, this Criminal Original Petition is dismissed.

sd/-

23/02/2015

/ TRUE COPY /



TO

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

2 THE INSPECTOR OF POLICE, KANNIVADI POLICE STATION, DINDIGUL DISTRICT.

+1. CC to M/S.D.SELVARAJ Advocate SR.No.8295

ORDER IN

CRL OP(MD) No.3175 of 2015

Date :23/02/2015

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