



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

Monday, the Twenty Third day of March Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP (MD) No.4034 of 2015

T. MURUGAVEL

... PETITIONER / ACCUSED NO.13

Vs

STATE THROUGH

THE INSPECTOR OF POLICE

B-6 JAINHUDOPURAM POLICE STATION, MADURAI CITY,

MADURAI DISTRICT

CRIME NO.762/2014

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S. E. SOMASUNDARAM Advocate

For Respondent : M/S.A.P.BALASUBRAMANIAN

Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

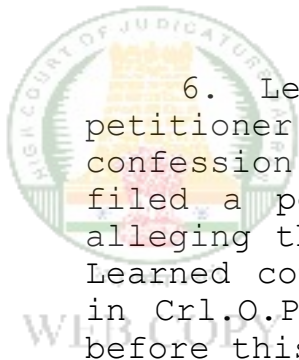
The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 120(b), 302 and 109 IPC in Crime No.762 of 2014 on the file of the respondent police, seeks anticipatory bail.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the State.

3. This is the third anticipatory bail petition and the previous petitions in Crl.O.P.(MD) Nos.18531 of 2014 and 22784 of 2014 were dismissed by this Court on 28.11.2014 and 05.01.2015 respectively.

4. This is a triple murder case. The case of the prosecution is that on 19.09.2014 at about 13:00 hours, when one Karuppu @ Karuppu Raja, Nagaraj and their friend Karthick were watching TV in the house of Karuppu @ Karuppu Raja, eight named persons along with others barged into the house and hacked to death all the three of them. The deceased Karuppu @ Karuppu Raja and Nagaraj were brothers and Karthik was their friend. The eye witness to the incident is one Irulayee, mother of the deceased Karuppu @ Karuppu Raja and Nagaraj. Based on the complaint, Police took up investigation and several accused surrendered before the concerned Magistrate and several of them were arrested by Police.

5. It is stated by the learned Government Advocate (Crl.Side) that three of the accused including this petitioner are absconding.



6. Learned counsel for the petitioner submitted that this petitioner is being falsely implicated in this case based on the confession statement of the co-accused, because, this petitioner has filed a petition against some Police Officers before this Court alleging that they had illegally detained her son in a Police case. Learned counsel for the petitioner produced a copy of the petition in CrI.O.P.(MD) No.22406 of 2013 that was filed by the petitioner before this Court.

7. On reading of the petition, it relates to an alleged occurrence of the year 2013 and the present case was registered only on 19.09.2014 after the murder of three persons. On a reading of the confession statement of the arrested accused, it is clearly seen that this petitioner's involvement in the offence has been disclosed in the gruesome murder of three lives.

8. Learned counsel for the petitioner assailed the confession statements and submitted that they are inadmissible evidence. It is a settled principle that at the time of consideration of bail application, this Court is entitled to peruse the case diary to find out the nature of accusation against the accused and to see whether investigation is going on in the right lines.

9. Learned counsel for the petitioner further submitted that the petitioner is suffering from AIDS and therefore, she may not live long. That cannot be a good reason to grant anticipatory bail to this petitioner in a heinous crime of such nature, when the investigation is at the infant stage. Police have also collected enough materials showing the prima facie involvement of this petitioner in the murder.

10. Under such circumstances, this Court is not inclined to grant anticipatory bail to this petitioner. Hence, the Criminal Original Petition is dismissed.

sd/-
23/03/2015

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

TO

1.THE ADDITIONAL PUBLIC PROSECUTOR

MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

2.THE INSPECTOR OF POLICE

B-6 JAINHUDOPURAM POLICE STATION, MADURAI CITY, MADURAI DISTRICT

+1. CC to M/S. E. SOMASUNDARAM Advocate SR.No.14547

RL/4 C- 26/3/2015

ORDER

IN

CRL OP(MD) No.4034 of 2015

Date :23/03/2015