



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

Tuesday, the Thirteenth day of January Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.449 of 2015

SUNDARAPANDI

... PETITIONER/ ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
MUNEERPALLAM POLICE STATION, TIRUNELVELI.
CR.NO. 240 OF 2014.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.N.SEKAR Advocate

For Respondent : MR.A.P.BALASUBRAMANIAN, Govt. Advocate (Crl. Side)

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

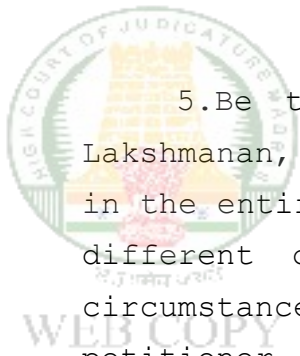
ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police for the alleged offences under Sections 147, 148, 341 and 302 IPC in Crime No.240 of 2014, seeks anticipatory bail.

2.This is second anticipatory bail application. The first anticipatory bail petition was dismissed by this Court on 05.11.2014.

3.The case of the prosecution is that on 09.07.2014 a group of persons had attacked the deceased Karthick and caused his death. The eyewitness in this case has given the names of the assailants and their names figure in the FIR. On 11.07.2014 the Police arrested accused No.7 and he has disclosed the involvement of this petitioner in the offences.

4.The learned counsel for the petitioner has produced a copy of the confession statement of Lakshmanan / A7 given before the Police. It is not known as to how the accused could get a copy of the confession statement even before the final report is filed. In this regard, a Full Bench of this Court in the decision reported in **1988 Law Weekly (Criminal) 503 (Selvanathan @ Raghavan Vs. State rep. by the Inspector of Police)**, has clearly held that 161 statement and confession statement of accused cannot be given to the accused during the course of investigation and they will be entitled to it only under Section 207 Cr.P.C.



5.Be that as it may, on reading of the confession statement of Lakshmanan, he is clearly implicating that this petitioner was the kingpin in the entire conspiracy to commit the offence as the deceased belonged to different community and was inimical to this petitioner. In such circumstances, I am not inclined to grant anticipatory bail to the petitioner. Hence, this petition is dismissed.

sd/-
13/01/2015

/ TRUE COPY /

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

TO

1.THE INSPECTOR OF POLICE
MUNEERPALLAM POLICE STATION, TIRUNELVELI.

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

ORDER
IN
CRL OP(MD) No.449 of 2015
Date :13/01/2015

RG.29.01.2015 2P.3C.