



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

Wednesday, the Twenty Fourth day of June Two Thousand Fifteen

PRESENT

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The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.9384 of 2015

1 JOHN BOSCO

2 SAROJINI

... PETITIONERS/ACCUSED NO. 2 & 3

Vs

STATE REP BY THE INSPECTOR OF POLICE

GANESH NAGAR POLICE STATION,

PUDUKKOTTAI DIST,

CRIME NO.125/2015

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.R.ALAGUMANI Advocate

For Respondent : MMR.P.KANNITHEVAN Govt. Advocate (Crl. Side)

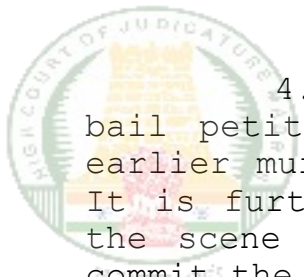
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners/A2 and A3 apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 148, 302 IPC in Crime No.125 of 2015 and hence, seek anticipatory bail.

2. According to the defacto complainant, the accused have attacked the deceased and caused his death on 06.04.2015.

3.The learned counsel for the petitioners submitted that the son of the petitioners was done to death by the deceased and other accused for which the case was registered against them and the trial is in progress. While so, the allegation against the accused is that on 06.04.2015, at 10.00 p.m the accused entered into the house of the deceased and searched him and left as he was not available and thereafter, on 07.04.2015 at 6.30 a.m, the deceased was found lying dead with injuries near bus stand. The learned counsel further submitted that even according to the prosecution, the overt act attributed against the petitioners that the petitioners instigated the other accused for commission of offence and they did not directly participate in the occurrence and the prime accused were already arrested and they were remanded to judicial custody.



4. The learned Government Advocate (Crl. side) opposed the bail petition stating that it is the case of retaliation to the earlier murder in which the son of the petitioners was eliminated. It is further submitted that the petitioners were also present in the scene of occurrence and they instigated the other accused to commit the offence.

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5. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl. Side) appearing for the State and also perused the entire materials available on record.

6. Considering the overt act attributed against the petitioners and the fact that the prime accused were already secured and remanded to judicial custody, I am inclined to enlarge the petitioners on anticipatory bail. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Pudukottai, and on each of them executing a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction to the learned Magistrate concerned and on further condition that the petitioners shall appear before the respondent police daily at 10.00 a.m until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. Scrupulously.

7. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready failing which, the petition for anticipatory bail stands dismissed.

sd/-

24/06/2015

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

TO

- 1 THE JUDICIAL MAGISTRATE, PUDUKKOTTAI
- 2 THE CHIEF JUDICIAL MAGISTRATE, PUDUKKOTTAI
- 3 THE INSPECTOR OF POLICE
GANESH NAGAR POLICE STATION, PUDUKKOTTAI
- 4 THE ADDL PUBLIC PROSECUTOR
MADRURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.R.ALAGUMANI Advocate SR.No.33806

ORDER

IN

CRL OP (MD) No.9384 of 2015

Date : 24/06/2015