



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

Thursday, the Eighteenth day of June Two Thousand Fifteen
PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM
CRL OP(MD) Nos.9828 and 10280 of 2015

P.ALAGAR

... PETITIONER / ACCUSED 7
IN CRL OP 9828 OF 2015

J. PRADEEP ALIAS APPU

... PETITIONER / ACCUSED 7
IN CRL OP 10280 OF 2015

Vs

STATE REP BY::THE INSPECTOR OF POLICE
WEST POLICE STATION, DINDIUGL TOWN, DINDIUGL
DISTRICT, (CRIME NO.271 OF 2015).

... RESPONDENT / COMPLAINANT IN BOTH

For Petitioner : M/S.D.SELVARAJ Advocate IN CRL OP 9828 OF 2015

For Petitioner : M/S.G.THIRUVARUTSELVAN
Advocate IN CRL OP 10280 OF 2015

For Respondent : MR. K.V. RAJARAJAN Govt. Advocate (Crl. Side)

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

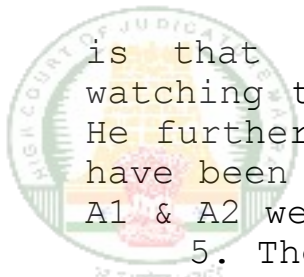
ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused Nos.4 & 7, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 324, 448, 302 and 109 of IPC, in Crime No.271 of 2015 on the file of the respondent police and hence, seek anticipatory bail.

2. The prosecution case is that the mother of the accused Nos.1 & 7 used to take water to public tap for construction of house, which was objected by the deceased, estranged over the act, the accused have entered into the house of the deceased and attacked him with knife and caused his death.

3.The learned counsel for the petitioner submitted that the defacto complainant is none other than the wife of the deceased and she has specifically stated in the complaint that the accused Nos.1 & 2 have entered into the house and attacked her husband with knife. It is further submitted that the accused No.7 is the brother of the first accused and he is working as Teacher in a Government School at Nilgiris.

4.The learned counsel for the petitioners further submitted that the petitioners were implicated on the basis of the confession of the first accused, in which he has stated that the accused No.7 has instigated the first accused to commit the offence and the overt act attributed against the fourth accused



is that he was waiting near the scene of occurrence and watching the movement of the public at the time of occurrence. He further submitted that the petitioners are innocent and they have been falsely implicated in this case and the prime accused A1 & A2 were already arrested and remanded to judicial custody.

5. The learned counsel for the petitioner has also produced a letter issued by the Head Master, Government High School, Kunthalady stating that between 27.04.2015 and 30.04.2015, the accused No.7 was attending the Special coaching conducted for the 10th students during Annual Vacation.

6. The learned Government Advocate (Crl.side) opposed the petition stating that the accused have also involved in the commission of offence and the arrested accused are still in judicial custody.

7. Considering the overt act attributed against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.I, Dindigul and on each of them executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that the petitioner 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.

8. 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/-

18/06/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE NO.I DINDIGUL
- 2 THE CHIEF JUDICIAL MAGISTRATE DINDIGUL
- 3 THE ADDL PUBLIC PROSECUTOR
MADRAS BENCH OF MADRAS HIGH COURT MADURAI
- 4 THE INSPECTOR OF POLICE
WEST POLICE STATION, DINDIGUL TOWN, DINDIGUL DISTRICT,

1 CC to M/S.D.SELVARAJ Advocate SR.No.32010

1CC TO M/S G. THIRUVARUTSELVAN, ADV. SR:32243

DM 23 6 15

ORDERIN

CRL OP(MD) No.9828 AND 10280 of 2015

Date :18/06/2015