



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

Monday, the Nineteenth day of January Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.688 of 2015

MANOHARAN

... PETITIONER/ACCUSED RANK NOT KNOWN

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE
VATCHAKKARAPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
CRIME NO.225/2013

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.A.THIRUVADI KUMAR Advocate
For Respondent : M/S.A.P.BALASUBRAMANIAN
Govt. Advocate (Crl. Side)

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

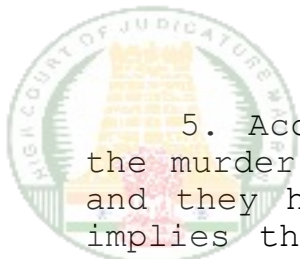
ORDER : The Court Made the following order :-

The petitioner, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Section 302 I.P.C in Crime No.225 of 2013 on the file of the respondent police, seeks anticipatory bail.

2. This is the second anticipatory bail application and the first anticipatory bail application was dismissed by this Court in Crl.O.P(MD)No.22713 of 2014 on 23.12.2014.

3. It is the case of the prosecution that the deceased by name Kanagaraja was into illegal sand theft and Govindaraja (A.1) in this case was also doing the same business. On account of business rivalry, it is alleged that the deceased Kanagaraja was waylaid and he was brutally attacked and killed by eight accused.

4. Mr.A.Thiruvadi Kumar, learned counsel appearing for the petitioner would submit that this petitioner's role is not in the main offence and that even according to the prosecution, he comes into the picture only after the offence.



5. According to the prosecution, A.1 to A.8, after committing the murder of Kanagaraja, have gone to the house of this petitioner and they had told that their plan had succeeded. This, therefore, implies that this petitioner also would have the knowledge of the assault prior to the incident. Hence, more evidence can be collected only after the custodial interrogation of this petitioner. Taking into consideration the nature of allegation against this petitioner and the manner in which Kanagaraja has been attacked and killed, I am not inclined to grant anticipatory bail to the petitioner. Hence, this Criminal Original Petition is dismissed.

sd/-
19/01/2015

/ TRUE COPY /

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
VATCHAKKARAPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.

RL/3 C- 22/1/2015

ORDER
IN
CRL OP (MD) No.688 of 2015
Date : 19/01/2015