



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

Wednesday, the Twenty Seventh day of January Two Thousand Sixteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.1396 of 2016

1 LIVINGSTON
2 ALTRIN KISHORE @ ANIS KIRUBAKARAN
3 SIVA

..PETITIONERS/ACCUSED NO.2

Vs.

STATE REP.BY
THE INSPECTOR OF POLICE
THALAYUTHU POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO. 361 OF 2015.

... RESPONDENT/COMPLAINANT

For Petitioners : M/S K.SIVABALAN Advocate
For Respondent : MR.P.KANNITHEVAN,
Govt. Advocate (Crl. Side)

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as A2, A4 and A6 in Crime No.361 of 2015 on the file of the respondent police, were arrested and remanded to judicial custody on 06.12.2015 for the alleged offences punishable under Section s 341, 307 and 506(ii) of I.P.C., @ 302 @ 147, 148, 341, 342, 302, 506(ii), 109 and 120(b) of I.P.C., and hence, seek bail.

2. The case of the prosecution is that one day prior to the occurrence, there was a wordy quarrel between A1 and deceased person. The deceased and his friends pushed down A1 in a ditch and due to this incident, A1 came along with other accused persons waylaid the deceased and his friend Praveenkumar and attacked repeatedly with aruval. The deceased died due to injuries and on the complaint, the case has been registered against the petitioners and others.

3.The case of the petitioners is that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. In the FIR, it has been mentioned that four unidentified persons attacked the deceased. Eyewitness Praveinkumar



could not identify any of the accused persons in the identification parade conducted by the learned Judicial Magistrate No.I, Tirunelveli and the first and second petitioners were arrested and remanded to judicial custody from 06.12.2015 and the third petitioner surrendered before the Judicial Magistrate No.III, Tirunelveli on 09.12.2015.

4.The learned Government Advocate (Crl.side) submitted that the petitioners along with other accused persons conspired together and waylaid the deceased and his friend and attacked them with deadly weapons and caused death. It is a pre-planned murder and the investigation is pending.

5.Considering the fact that due to wordy quarrel, the petitioners and others conspired together and planned to murder the deceased due to previous enmity and the investigation is pending, this Court is not inclined to grant bail to the petitioners. Hence, this petition is dismissed.

sd/-
27/01/2016

/ TRUE COPY /

Sub-Assistant Registrar

TO

1 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

2 THE INSPECTOR OF POLICE
THALAYUTHU POLICE STATION, TIRUNELVELI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

Akm/04.02.2016/ 2p- 4c/jgb/dp/SAR-I

ORDER
IN
CRL OP(MD) No.1396 of 2016
Date :27/01/2016