



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

Tuesday, the Eighteenth day of October Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice B.GOKULDAS

CRL OP(MD) No.16442 of 2016

P. RANJITH

... PETITIONER/ACCUSED NO.6

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
NILAKKOTTAI POLICE STATION,
DINDIGUL DISTRICT.
IN CR.NO. 180 OF 2016

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.MUNEESWARAN Advocate

For Respondent : M/S.K.V.RAJARAJAN, Govt. Advocate (Crl. Side)

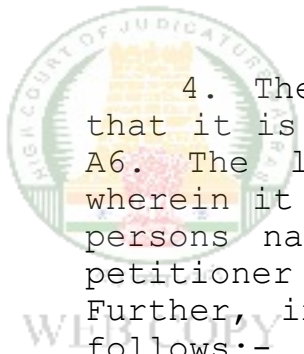
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, and 302 of IPC in Crime No.180 of 2016, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant and her husband running a pig meet stall and there is previous enmity between themselves and one Bhagavathy and Rajkumar. On 13.05.2016, the defacto complainant's husband went to their newly built home along with one Selvam and slept there in the upstairs along with others and the defacto complainant slept in the ground floor. At about 2 a.m., the defacto complainant heard some noise and immediately she came out and found that the accused persons were going upstairs with deadly weapons and committed murder of her husband and Selvam.

3. The learned counsel for the petitioner submitted that the petitioner is a Final year Law College student. On the date of occurrence, he wrote the examination at Law College, Madurai and in support of the same, he produced a copy of the time table of the B.L.Degree Examinations, May 2016. He further submitted that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case.



4. The learned Government Advocate (criminal side) submitted that it is a case of double murder and the petitioner is arrayed as A6. The learned Government Advocate also filed status report, wherein it is stated that the respondent police arrested the accused persons namely Bhagavathy and Rajkumar and the overt act of the petitioner is clearly spoken by them in their confession statement. Further, in the status report at paragraph No.7, it is stated as follows:-

"7. I humbly submit that the respondent totally enquired 19 prosecution witnesses (apart from the police witnesses) and obtained their statement under Section 161(3) Cr.P.C. and after due and proper investigation filed charge sheet before the learned Judicial Magistrate, Nilakkottai and the same was not yet taken on file."

5. I have carefully considered the rival submissions made by the learned counsel on either side and also perused the materials available on record.

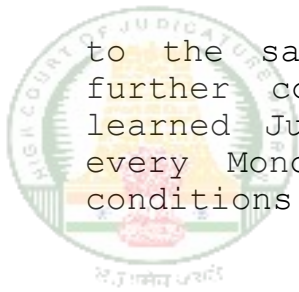
6. The alleged occurrence is stated to have been taken place at 2 a.m. on 14.05.2016, whereas the petitioner/A6 stated that he attended the college on the date of occurrence probably at 10. a.m. Therefore, the ground alibi taken by the learned counsel for the petitioner has no legs to stand.

7. A bare reading of the FIR would go to show that the petitioner/A6 cut the neck of the deceased Velmurugan. The relevant portion is extracted hereunder:-

"ரஞ்சித் எனது கணவரின் கழுத்தருகே வெட்டினான்."

The overt act attributed against the petitioner/A6 is that he cut the neck of the deceased. Nothing has been specifically stated about the weapon used by the petitioner/A6 for the commission of offence. Moreover, in the status report filed by the State, it is averred that the respondent police after investigation filed charge sheet before the learned Judicial Magistrate, Nilakottai and the same is yet to be taken on file by the learned Judicial Magistrate. The petitioner/A6 is attending the College and also written his Semester examination and this would go to show that he is very well available for the interrogation. The present anticipatory bail petition is filed by the petitioner on 31.08.2016 and it is stated that the respondent police arrested the accused Bhagavathy and Rajkumar on 14.05.2016. From the above, it is clear that there is no need for custodial interrogation of the petitioner.

7. Considering the facts and circumstances of the case, I am inclined to grant anticipatory bail to the petitioner with the following condition. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Nilakottai, Dindigul District, within a period of 10 days from the date on which the order copy made ready, and on his executing a bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only) with two sureties for a like sum each



to the satisfaction of the learned Magistrate concerned and on further condition that the petitioner shall appear before the learned Judicial Magistrate, Nilakottai, once in a week i.e. on every Monday at 6 p.m.. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

sd/-

18/10/2016

WEB COPY

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE, NILAKOTTAI,
DINDIGUL DISTRICT.

2 DO THRO THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.

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

4 THE INSPECTOR OF POLICE
NILAKKOTTAI POLICE STATION,
DINDIGUL DISTRICT.

+1CC to M/S.M.Muneeswaran, Advocate, SR.No. 61333

ORDER

IN

CRL OP(MD) No.16442 of 2016

Date :18/10/2016

AM/CK/SAR-III/21.10.2016/2P/6C