



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

Tuesday, the Twenty First day of November Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.15643 of 2017

1 LOGANATHAN
2 KANNAN
3 KARUPPAYEE
4 SIVABALAN

... PETITIONERS / ACCUSED
Rank Not Known

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE
MALLI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
CR.NO.109/2017

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.M.JEGADEESH PANDIAN Advocate

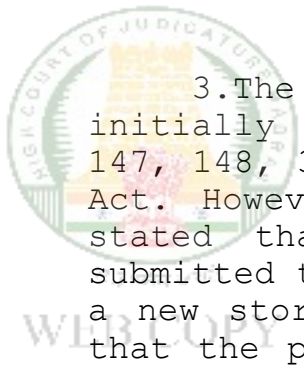
For Respondent : Mr.K.ANBARASAN, Govt. Advocate (Crl. Side)

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.1, 2, 5 and 7, apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 147, 148, 323, 324, 442 and 506(ii) of I.P.C. and Section 4 of TNPHW Act altered into Section 302 of I.P.C, in Crime No.109 of 2017, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners attacked the deceased's wife on 19.08.2017. On 20.08.2017, the defacto complainant filed a complaint before the respondent police alleging that the petitioners attacked the defacto complainant and thereby, the defacto complainant and her son sustained injuries. In the absence of the defacto complainant, the petitioners attacked the defacto complainant's husband, due to which, he was admitted in the hospital. Thereafter, on 09.11.2017, the defacto complainant's husband died in the hospital. Initially, the law enforcing agency registered a case for the offences under Sections 294(b), 147, 148, 323, 324, 442 and 506(ii) of I.P.C. and Section 4 of TNPHW Act and after the death of the defacto complainant's husband the aforesaid section is altered into Section 302 of I.P.C by implicating the petitioners in the murder case.



3.The learned counsel for the petitioners submitted that initially the case was registered under Section Sections 294(b), 147, 148, 323, 324, 442 and 506(ii) of I.P.C. and Section 4 of TNPHW Act. However, in the complaint, the defacto complainant no where stated that the petitioners attacked her husband. He further submitted that after recording the statement of defacto complainant, a new story was cooked by the law enforcing agency. He submitted that the petitioners did not commit any offence as alleged by the prosecution.

4.The learned Government Advocate (Criminal side) appearing for the State submitted that initially the case was registered for the aforesaid offences and based on the statement given by the defacto complainant, the same is altered into Section 302 of I.P.C.

5.Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Criminal side) and on perusal of the FIR, it is not clearly stated that the petitioners attacked the defacto complainant, in view of the above, I am 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, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.Ii, Srivilliputhur, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) each with two sureties for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) the petitioners shall report before the respondent police, daily at 10.30 a.m., until further orders;

(ii) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(iii) the petitioners shall make themselves available for interrogation including custodial interrogation as and when required by the investigation officer;

(iv) the petitioners shall not abscond either during investigation or trial;

(v) the petitioners shall not commit any offence while on bail;

(vi) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in



accordance with law and the anticipatory bail granted stands cancelled automatically.

sd/-
21/11/2017

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II,
SRIVILLIPUTHUR
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT
SRIVILLIPUTHUR
- 3 THE INSPECTOR OF POLICE
MALLI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1. CC to Mr.M.JEGADEESH PANDIAN Advocate SR.No.34808

JAM/27/11.17/CM-VR/SAR 2 / 3p-6c

ORDER
IN
CRL OP(MD) No.15643 of 2017
Date :21/11/2017