



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

Thursday, the First day of June Two Thousand Seventeen
PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

CRL OP (MD) No.6424 of 2017

1 K.RADHAKRISHNAN
2 R.DEVI
3 K.MURALI
4 V.SARATH

... PETITIONERS/A1,A2,A5 & A6

Vs

STATE THROUGH REPRESENTED BY
THE SUB INSPECTOR OF POLICE
VIKKARAMANGALAM POLICE STATION,
VIKKARAMANGALAM,
MADURAI DISTRICT
CRIME NO. 107/2017

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.V.MUTHUKAMATCHI Advocate

For Respondent : MR.A.RAMAR, Additional Public Prosecutor,Crl. Side

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

ORDER : The Court Made the following order :-

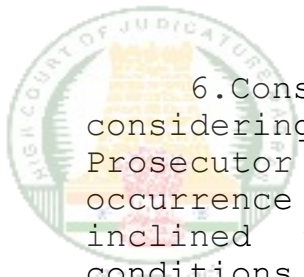
The petitioners, who are arrayed as accused Nos.1, 2, 5 and 6 in Crime No.107 of 2017 on the file of the respondent police, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 452, 115 and 302 of IPC and hence, seek anticipatory bail.

2.Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the respondent/State.

3.The case of the prosecution is that due to previous enmity between the petitioners and the deceased, the petitioners went to the house of the deceased and attacked him with knife and aruval, thereby the deceased was murdered by the petitioners. Hence, the present complaint.

4.It is represented by the learned counsel for the petitioners that the petitioners are innocent persons and they have nothing to do with the alleged offence and they have been falsely implicated in this case.

5.It is represented by the learned Additional Public Prosecutor that as far as A1 and A2 are concerned, they were only present in the place of occurrence and there is no specific overt act against them and that the learned Additional Public Prosecutor does not have any serious objection for granting anticipatory bail to A1 and A2. he would further submit that Insofar as A5 and A6 are concerned, they had attacked the deceased with weapon and caused his death.



6.Considering the facts and circumstances of the case and also considering the submission made by the learned Additional Public Prosecutor that A1 and A2 were only present in the scene of occurrence and there is no overt act against them, this Court is inclined to grant anticipatory bail to them, with certain conditions.

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7.Accordingly the petitioners 1 and 2/A1 and A2 are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.II, Usilampatti, Madurai District and on their executing a bond for a sum of Rs.1,00,000/- (Rupees One lakh only) with two sureties for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that the petitioners 1 and 2/A1 and A2 shall appear before the respondent police daily at 10.30 a.m, until further orders, for interrogation. The petitioners 1 and 2/A1 and A2 shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

8.The petitioners 1 and 2/A1 and A2 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.

9.Insofar as the petitioners 3 and 4/A5 and A6 are concerned, in view of the specific overt act that they have attacked the deceased and caused his death, this Court is not inclined to grant anticipatory bail to them. Accordingly, this petition is dismissed as against the petitioners 3 and 4/A5 and A6.

sd/-

01/06/2017

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Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE NO.II,USILAMPATTI.
- 2 THE CHIEF JUDICIAL MAGISTRATE, MADURAI.
- 3 THE SUB INSPECTOR OF POLICE
VIKKARAMANGALAM POLICE STATION,
VIKKARAMANGALAM, MADURAI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.V.MUTHUKAMATCHI Advocate SR.No.22989

ORDER

IN

CRL OP(MD) No.6424 of 2017

Date :01/06/2017



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