



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

Tuesday, the Twenty First day of August Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) No.14191 of 2018

SAMUTHIRAPANDI

... PETITIONER / ACCUSED NO.1

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
SERNDAMARAM POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO.231 OF 2016)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.S.PALANI VELAYUTHAM Advocate

For Respondent : Mr.V.NEELAKANDAN, Additional Public Prosecutor.

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

ORDER : The Court Made the following order :-

The petitioner apprehends arrest at the hands of the respondent police for the offences punishable under Section 294(b), 302 read with 120(b) and 201 of I.P.C. in Crime No.231 of 2016 seeks anticipatory bail.

2.The case of the prosecution is that in the year 2016, a body belong to one Ramesh was found in the well. The said occurrence had taken place on 26.10.2016 and the body was found dead on 31.10.2016 and hence, initially, a case has been registered for the offence under Section 174 of Cr.P.C.

3.The learned Additional Public Prosecutor submitted that on the basis of the confession statement given by one Koteeswaran, who is A3 in this case, the present petitioner has been implicated as A2. Perusal of Confession statement of A3 reveals that there are three accused in this case. The deceased Ramesh was fell in love with the daughter of the petitioner's cousin sister viz., the daughter of his father's brother. Therefore, the accused persons were intended to kill the said Ramesh, to save the cousin sister of the petitioner herein. Therefore, on 26.10.2016. they had liquor and on intoxication mood, the petitioner along with others pushed down the deceased into the well. As such, the respondent police altered the offence into Section 302 of I.P.C. and the petitioner is



arraigned as A2.

4.The learned counsel appearing for the petitioner would submit that the alleged occurrence took place on 26.10.2016 and the dead body was found on 31.10.2016. The petitioner is roped into this crime on the basis of the confession statement of A3 and no other material to connect the petitioner into the present case and hence, he prayed for anticipatory bail.

5.It is seen from the records that the occurrence took place on 26.10.2016 and the dead body was found only on 31.10.2016 in a well in decomposed stage. Further, as per the confession of A3, they were in intoxication mood and the petitioner pushed the deceased into the well. On verification of postmortem certificate, it would reveal that since the body was decomposed state, the cause of death could not be found out. Further, there is no other materials to connect the petitioner except the confession statement of A3 produced by the respondent. Further, the case is also of the year 2016 and after two years, that too on the basis of the confession of A3, the petitioner has been implicated as an accused.

6.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Thenkasi and on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that the petitioner shall appear before the respondent police daily at 10.30 a.m. until further order for interrogation. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C. Scrupulously.

7.The petitioner 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 shall stand dismissed.

sd/-

21/08/2018

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

TO

1 THE JUDICIAL MAGISTRATE
THENKASI,
TIRUNELVELI.



2 THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI.

3 THE INSPECTOR OF POLICE,
SERNDAMARAM POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1. CC to M/S.S.PALANI VELAYUTHAM Advocate SR.No.16102
PS/PN/SAR-4:29/08/2018:3P/6C

ORDER
IN
CRL OP (MD) No.14191 of 2018
Date :21/08/2018