



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

Friday, the Fifth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.105 of 2018

SYED MUHAMMED

... PETITIONER / ACCUSED No.2

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
THILLAI NAGAR POLICE STATION,
TRICHY CITY.
(CRIME NO.620 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.A.MITHUNCHAKRAVARTHI Advocate

For Respondent : Mr. K.S.DURAIPANDIAN, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

Heard both sides.

The petitioner/2nd accused in this case, apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 294(b), 342, 323, 307 and 302 I.P.C., in Crime No.620 of 2017, on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that on 13.09.2017, the deceased, who is the husband of the defacto complainant, had stolen the cell phone and a purse from the petitioner/A2 and his son along with two other accused. For which, the petitioners assaulted the defacto complainant's husband, thereby, he sustained fatal injuries, due to that, he was admitted in the hospital. Thereafter, the defacto complainant gave a complaint before the respondent police and based on her complaint, initially, a case has been registered for the offence under Section 307 I.P.C., Unfortunately, the defacto complainant's husband died in the hospital, thereafter, the case was altered into Sections 342, 294(b), 323, 307 and 302 I.P.C.,

3.The learned counsel appearing for the petitioner submitted that no weapons were recovered from the petitioner. He further submitted that the alleged occurrence happened on 13.09.2017, but the F.I.R has been registered only on 16.09.2017. After two days on 18.09.2017, the respondent police have altered the case into Sections 342, 294(b), 323, 307 and 302 I.P.C., He further submitted that the petitioner is an innocent person and he is no way connected with the



alleged offence. Hence, he prays for anticipatory bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police, submitted that investigation is not completed so far.

5.Submissions made by either side, considered, the respondent police registered a case for the offences under Sections 294(b), 342, 323, 307 and 302 I.P.C., Eventhough, the case has been registered prior to three months, considering the gravity of offence committed by the petitioner, custodial interrogation is necessary for completing the investigation. According to the prosecution, investigation is not completed. So, considering the nature of offence committed by the petitioner, this Court is not inclined to grant anticipatory bail to the petitioner. Hence, this Criminal Original Petition is dismissed.

sd/-

05/01/2018

/ TRUE COPY /

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

TO

- 1 THE INSPECTOR OF POLICE,
THILLAI NAGAR POLICE STATION,
TRICHY CITY.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

JAM/10/01/2018/CM-VR/ SAR 1/ 2P-3C

ORDER

IN

CRL OP(MD) No.105 of 2018

Date :05/01/2018