



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

Tuesday, the Sixth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.1403 of 2018

MUTHUVEERA

... PETITIONER / ACCUSED No.2

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
NAGAMALAI PUDUKOTTAI POLICE STATION,
MADURAI DISTRICT.
(CRIME NO.35 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR. S. MUTHUMALAIRAJA Advocate

For Respondent : Mr.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)

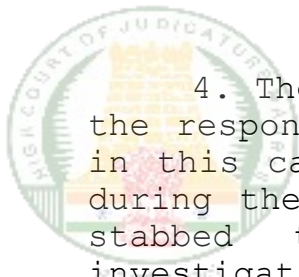
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/Accused No.2, apprehends arrest at the hands of the respondent police for the offence punishable under Sections 147, 148, 294(b), 323, 452 and 302 of IPC., in Crime No.35 of 2018, seeks anticipatory bail.

2. The case of the prosecution is that on 14.01.2017, at about 2.00 p.m., when the deceased was driving his bike, the first accused parked his bike crossly on the road, due to which a wordy quarrel arose between them, as a result of which the deceased slapped the first accused. Hence, at about 5.00 p.m. on the same day, the first accused along with this petitioner and other accused went to the deceased's house and assaulted him, thereby the deceased went to the occurrence place, at that time, this petitioner caught hold the deceased and the first accused stabbed the deceased by using knife in his chest and caused death. Hence, the case has been registered against this petitioner and other accused for the above said incident.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.



4. The learned Government Advocate (Criminal Side) appearing for the respondent on instructions would submit that totally 8 accused in this case and the specific overtact against this petitioner is during the time of occurrence, he caught hold the deceased and Al stabbed the deceased. According to the prosecution, the investigation is in progress.

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5. The submissions made by the learned counsels appearing for either side are considered. It is alleged that during the time of occurrence, the petitioner being the second accused along with other seven accused in this case made assault towards the deceased and caused death. The alleged offence was happened on 14.01.2018. Now, the petitioner filed this application seeking the relief of anticipatory bail. Moreover, except this petitioner, all other accused are surrendered and thereafter, they remanded to judicial custody. Eventhough, the other accused in this case are remanded to judicial custody, considering the factual aspects and other circumstances of the case, this Court came to the conclusion that if these type of petitioners got anticipatory bail, there may be a chance for tampering the witness and hampering the investigation. Hence, this Court is not inclined to grant anticipatory bail to the petitioners. Accordingly, this Criminal Original Petition is dismissed.

sd/-

06/02/2018

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

TO

- 1 THE INSPECTOR OF POLICE,
NAGAMALAI PUDUKOTTAI POLICE STATION,
MADURAI DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

pjl

JAM/26/02/2018/PM-PN/ SAR 1 / 2p-3c

ORDER

IN

CRL OP(MD) No.1403 of 2018

Date :06/02/2018