



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

Thursday, the Eighteenth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.807 of 2018

P.ESAKKI DASS,

... PETITIONER/ ACCUSED NO.8

Vs

STATE : THROUGH
INSPECTOR OF POLICE,
THIRUKKURUNGUDI POLICE STATION,
THIRUKKURUNGUDI,
TIRUNELVELI DISTRICT.
(CRIME NO.154 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.KA.RAAMAKRISHINAN Advocate

For Respondent : MR.A.ROBINSON, Government Advocate (Crl. Side)

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

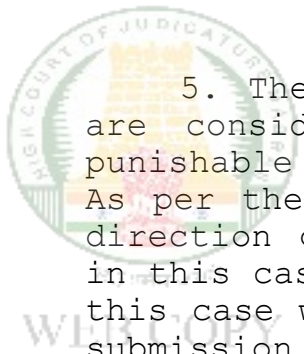
ORDER : The Court Made the following order :-

The petitioner/A8, who apprehend arrest at the hands of the respondent police for the offence punishable under Section 302 IPC @ 147, 148, 364, 302 r/w 109 IPC in Crime No.154 of 2017 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that due to previous motive, on 24.11.2017, the petitioner and other accused persons conspired together and taken the deceased namely, Divakaran to the secluded place and assaulted him with aruval and caused death to him. Hence, the case has been registered for the above said offences.

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

4. The learned Government Advocate (Criminal side) appearing for the respondent on instructions, would submit that there are totally 8 accused in this case. He further submitted that the specific overtact against this petitioner is that at the instigation of this petitioner, the alleged occurrence had taken place and at the time of occurrence, the petitioner had driven the car and accompanied the main accused.



5. The submissions made by the learned counsel on either side are considered. The case has been registered for the offences punishable under Sections 302 IPC @ 147, 148, 364, 302 r/w 109 IPC. As per the case of the prosecution, it is alleged that as per the direction given by this petitioner/A8, the remaining seven accused in this case committed the offence. Eventhough, the other accused in this case was arrested and remanded to judicial custody, as per the submission made by the learned Government Advocate (Criminal side), this petitioner is entirely responsible for the alleged offence. So, the representations of the learned Government Advocate (Criminal side) shows that the custodial interrogation of this petitioner is very much necessary for completing the investigation. Hence, considering the facts and other circumstances, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

sd/-
18/01/2018

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

PJL
TO

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

GJM/CM/VR/SAR-4-5.2.18-2P-3C

ORDER
IN
CRL OP(MD) No.807 of 2018
Date :18/01/2018