



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

Monday, the Twenty Second day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.965 of 2018

BIJU

... PETITIONER / ACCUSED RANK NOT KNOWN

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
KALIYAKAVILAI POLICE STATION,
KANYAKUMARI DISTRICT.
CRIME NO. 381/2017

... RESPONDENT / COMPLAINANT

For Petitioner : MR.V.KATHIRVELU Senior Counsel Mr.K.PRABHU Advocate

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

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

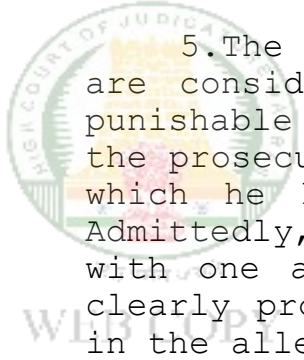
ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police for the offence punishable under Section 174 Cr.P.C. @ 302 IPC in Crime No.381 of 2017 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that due to illicit relationship between the accused namely, Udayakumar and the wife of the deceased, the petitioner along with other accused committed the offence of murder.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner has not committed any offence as alleged by the prosecution and he is no way connected with the offences, and pleads for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.side) submitted that as per the confession statement of the co-accused, the petitioner was implicated as an accused in this case and the investigation is still



5.The submissions made by the learned counsel on either side are considered. This case has been registered for the offences punishable under Section 174 Cr.P.C. @ 302 IPC. As per the case of the prosecution the other accused in this case gave a confession, in which he has implicated the petitioner in the alleged offence. Admittedly, prior to the date of occurrence, the petitioner along with one another accused have assaulted the deceased. Hence, it clearly proves that the petitioner was also having the active role in the alleged offence.

6.Considering the facts and circumstances of the case and also considering the fact that the investigation is not yet completed and also the case has been registered for the offences punishable under Section 302 IPC, this Court is not inclined to grant anticipatory bail to the petitioner at this stage. Accordingly, this Criminal Original petition is dismissed.

sd/-
22/01/2018

/ TRUE COPY /

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

TO

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

ORDER
IN
CRL OP(MD) No.965 of 2018
Date :22/01/2018

MKV-PM-PN-SAR 3/30.1.2018/2P-3C