



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

Monday, the Ninth day of April Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP (MD) No.5515 of 2018

1 SAMY @ LURTHUSAMY
2 SELVARAJ

... PETITIONERS/ACCUSED No.2 AND 3

Vs

THE INSPECTOR OF POLICE
SENDHAMARAM POLICE STATION,
TIRUNELVELI DISTRICT
(CRIME NO. 88 OF 2018)

... RESPONDENT

For Petitioners : M/S.P.M.VISHNUVARTHANAN, Advocate

For Respondent : M/S.A.P.G.OHM CHAIRMA PRABHU,
Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioners apprehend arrest at the hands of the respondent police for the offence punishable under Section 302 IPC in Crime No.88 of 2018 on the file of the Sendhamaram Police Station, Tirunelveli District.

2.The deceased is one Arulappan @ Thangadurai. He is the younger brother of the defacto complainant. The deceased got married to one Selvi who is shown as fourth accused in this case. The deceased had a son and daughter. The daughter namely Jayanthi fell in love and got married to one curuze Thivakaran. The deceased was not in favour of the said marriage alliance. However, the fourth accused Selvi was in favour of the said alliance. Therefore, there was considerable strain in the family.

3.While so, on 28.03.2018, the said Arulappan @ Thangadurai was beaten up and he was taken to hospital. He died on the next day. FIR itself was registered on 29.03.2018 at about 08.30 P.M., The defacto complainant did not witness the occurrence. In fact, there are no witnesses to the occurrence. Admittedly, the defacto complainant Nikolose who is the elder brother of the deceased did not witness the occurrence. However, in the F.I.R, he attributed



individual overt acts to the petitioners. The petitioners herein are distantly related to the fourth accused.

4. Since it clearly appears that the defacto complainant has falsely implicated the petitioners in this case without any basis, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate Court, Tenkasi and on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that the petitioners shall appear before the respondent police once in a week ie., on every Monday at 10.30 a.m for a period of four weeks from today. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C. Scrupulously. The observations in this order have been made for the purpose of granting anticipatory bail to the petitioners and it cannot be taken advantage of for other purposes.

5. The petitioners 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/-

09/04/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, TENKASI, TIRUNELVELI DISTRICT
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
SENDHAMARAM POLICE STATION, TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.P.M.VISHNUVARTHANAN Advocate SR.No.5717

ORDER

IN

CRL OP(MD) No.5515 of 2018

Date : 09/04/2018