



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

Tuesday, the Eighteenth day of September Two Thousand and Eighteen

PRESENT

**The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN**

CRL OP(MD) No.16286 of 2018

LOORTHU RANJITH

... PETITIONER / SOLE ACCUSED

Vs

THE STATE REPRESENTED BY,  
THE INSPECTOR OF POLICE,  
MUKKUDAL POLICE STATION,  
MUKKUDAL,  
TIRUNELVELI DISTRICT.  
(CRIME NO.11 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.J.PAREKHKUMAR, Advocate.

For Respondent : Mr.V.NEELAKANDAN, Additional Public Prosecutor.

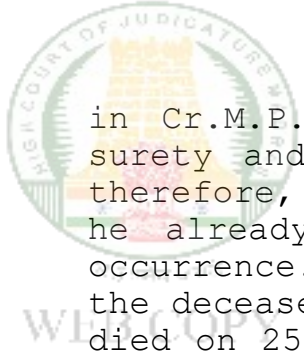
**PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.**

**ORDER :** The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 324 and 506 (ii) of I.P.C. altered to under Section 302 of IPC in Crime No.11 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that the deceased is a father of the petitioner herein. The deceased is a drunkard and he usually quarrelling with the petitioner by demanding money for drinking liquor. Therefore, the petitioner refused to give money and he attacked his father with iron rod on the forehead and back side of the head. Therefore, he was taken Tirunelveli Medical College Hospital and subsequently, discharged from the hospital. The occurrence took place on 16.01.2018. Thereafter, on 25.04.2018 due to the said injury he died. Though, the complaint has been registered for the offences under Section 294(b), 324 and 506(ii) of IPC and thereafter, on 21.08.2018, the alteration report filed for the offence under Section 302 of IPC.

3.The learned counsel appearing for the petitioner would submit that initially the petitioner arrested and remanded into judicial custody on 17.01.2018. Thereafter, on 20.04.2018, the accused was enlarged on bail by the learned Judicial Magistrate, Cheranmahadevi



in Cr.M.P.No.2015 of 2018. Even then he could not produce the surety and he able to produce the surety only on 04.07.2018 and therefore, he was released from bail only on 04.07.2018. Therefore, he already incarcerated more than six months from the date of occurrence. In fact, after injury, on 16.01.2018 within 15 days, the deceased was discharged from the hospital. After four months he died on 25.04.2018. It is not due to the injury sustained by him. Since he is a drunkard and he died due to Alcohol. Therefore, he apprehends arrest. After eight months now the respondent police altered the offence under Section 302 of IPC. Hence, he apprehends arrest.

4.The learned Additional Public Prosecutor appearing for the respondent opposed to grant anticipatory bail to the petitioner.

5. It is seen that initially the case has been registered for the offence under Sections 294(b), 324 and 506(ii) of IPC on 16.01.2018. The petitioner was also arrested and remanded into judicial custody on 17.01.2018 and he was released on bail only on 04.07.2018. Further, the deceased died after four months from the date of occurrence.

6.Considering the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Cheranmahadevi and on his 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 petitioner shall appear before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter, as and when required for interrogation. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C. Scrupulously.

7.The petitioner 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/-  
18/09/2018

/ TRUE COPY /

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

TO

1.THE JUDICIAL MAGISTRATE,

<https://hcservices.mca.gov.in/hcservices/> CHERANMAHADEVI, TIRUNELVELI DISTRICT.



2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
TIRUNELVELI.

3.THE INSPECTOR OF POLICE,  
MUKKUDAL POLICE STATION,  
MUKKUDAL, TIRUNELVELI DISTRICT.

4.THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

+1. CC to M/S.J.PAREKHKUMAR, Advocate, SR.No.17777.

ORDER

IN

CRL OP(MD) No.16286 of 2018

Date :18/09/2018

RAM/VR MMS/SAR 2/20.09.2018/3P/6C