



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

Tuesday, the Twenty First day of August Two Thousand Eighteen

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PRESENT

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

CRL OP(MD) No.14196 of 2018

SAMUTHIRAPANDI

... PETITIONER / ACCUSED NO.2

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
SERDAMARAM POLICE STATION,
TIRUNELVELI.
(CRIME NO. 118/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.S.PALANI VELAYUTHAM 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 apprehends arrest at the hands of the respondent police for the offences punishable under Section 294(b), 120(b), 302 and 201 of I.P.C. in Crime No.118 of 2018 seeks anticipatory bail.

2.The case of the prosecution is that on 25.04.2018, the deceased went outside and he did not return to his house. Thereafter, on 26.04.2018, at about 07.00 a.m. the defacto complainant, who is the wife of the deceased received a call that the deceased was found dead in a well and hence, a case has been registered for the offence under Section 174 of Cr.P.C.

3.The learned Additional Public Prosecutor submitted that on the basis of the confession statement given by one Koteeswaran, who is A3 in this case, the present petitioner has been implicated as A2. Perusal of Confession statement of A3 reveals that there are three accused in this case. The occurrence took place on 25.04.2018 at about 10.15 p.m. The deceased was being an eye witness of the murder of one Ramesh, used to extract money from the petitioner and from other accused. While being so, on 25.04.2018, the deceased demanded further money and as such, the accused persons asked the deceased to come for marriage party. Thereafter, they had liquor and on intoxication mood, the petitioner along with others attacked him with stones and pushed down the deceased into the well. As



such, the respondent police altered the offence into Section 302 of I.P.C. and the petitioner is arrayed as A2. Further, the injuries sustained by the deceased are corroborated with the confession statement of A3. Therefore, he vehemently opposed the anticipatory bail application.

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4.The learned counsel appearing for the petitioner would submit that the petitioner is roped into this crime on the basis of the confession statement of A3 and no other material to connect the petitioner into the present case and hence, he prayed for anticipatory bail.

5.It is seen from the records viz., the confession statement of A3 and the post mortem certificate, the injuries sustained by the deceased are corroborated by the confession statement. Further, as per the postmortem report, alcohol also found in his stomach and hence, there are materials to connect the petitioner in this case. Therefore, considering the facts and circumstances of the case, this Court is not inclined to grant anticipatory bail to the petitioner.

6.Accordingly, this anticipatory bail petition is dismissed.

sd/-

21/08/2018

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

TO

1 THE INSPECTOR OF POLICE
SERDAMARAM POLICE STATION,
TIRUNELVELI.

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

+1. CC to M/S.S.PALANI VELAYUTHAM Advocate SR.No.16103
PS/PN/SAR-4:29/08/2018:2P/4C

ORDER

IN

CRL OP(MD) No.14196 of 2018

Date :21/08/2018