



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

Wednesday, the Nineteenth day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.22392 of 2018

PRABU @ ARUL PRAKASH,

... PETITIONER / ACCUSED
(RANK NOT KNOWN)

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
THISAYANVILAI POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO.319/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.A.K.MANICKAM Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate(Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, is Accused No.11, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 147, 449, 294(b), 323, 364, 302, 201, 506(ii) IPC and 3 of TNPPDL Act, seeks anticipatory bail.

2. In this case, there are totally 16 accused. The case of the prosecution is that the *de facto* complainant is the father of the deceased Santhoshraja. The deceased was married to one Kavitha of Arumuganeri but they were separated within a year. The deceased was staying at his paternal aunt's house at Arumuganeri for the past three months. During such time, the deceased fell in love with one Poornima, who was the neighbour of his wife Kavitha. The said Poornima was working under the 1st accused viz., Radhakrishnan and the 1st accused condemned the deceased for the love affair with Poornima, for which, the deceased posted messages in Facebook criticizing the 1st accused. Thereafter, due to grudge against the deceased, on 01.10.2018 at about 10:00 p.m, the 1st accused along with some other accused persons came to the house of the deceased and forcibly took the deceased in a car to the field belonging to the 1st accused, where the deceased was attacked with stick by the



accused persons, after which he was declared dead, when he was taken to the hospital by the accused persons including the petitioner herein.

3. The learned counsel appearing for the petitioner would submit that the allegation made against the petitioner/A-11 herein is that he being a former friend of A1 has attacked the deceased with plamirah wood on the back and thigh of the deceased. The petitioner has been arrayed as accused based on the confession statement given by A1 and also submitted that the petitioner was not in the scene of occurrence itself. Further, as per the case for the prosecution, the petitioner had only hit the deceased on the non vital parts and hence, he is entitled to be granted Anticipatory Bail.

4. Learned Government Advocate (Criminal side) vehemently opposed the grant of Anticipatory Bail to the petitioner. Since investigation is going on and proceedings against the accused persons have not been completed for the offence under Sections 147, 449, 294(b), 323, 364, 302, 201, 506(ii) IPC and 3 of TNPPDL Act. In this case, A3 to A6, A10, A13 and A14 are still in custody and Accused 9 and 12 are absconding. Therefore, granting Anticipatory Bail to the petitioner / A11 would affect the investigation.

5. Considering the same, this Court is of the opinion that since some more accused have to be arrested who are absconding, the petition seeking Anticipatory Bail is dismissed.

sd/-

19/12/2018

/ TRUE COPY /

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

TO

1 THE INSPECTOR OF POLICE,
THISAYANVILAI POLICE STATION,
TIRUNELVELI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.22392 of 2018

Date :19/12/2018

AE/VR MMS/SAR1/26.12.2018/2P/3C

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