

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

Monday, the Fifteenth day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.5414 of 2019

1 ARUN KUMAR

2 SENTHIL

.... PETITIONERS / ACCUSED
RANK NOT KNOWN

Vs

STATE REP.BY
THE SUB INSPECTOR OF POLICE
VADASERY POLICE STATION,
VADASERY, KANYAKUMARI DISTRICT.
(CRIME NO.87/2019)

... RESPONDENT / COMPLAINANT

For Petitioners: Mr.N.S.RAMAKRISHNA DASS, Advocate

For Respondent : Mr.S.CHANDRASEKAR, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioners, who are apprehending arrest at the hands of the respondent police for the offence punishable under Section 174 Cr.P.C., r/w 302 IPC in Crime No.87 of 2019, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the wife of one Sivamoni. The petitioners are the brothers of the defacto complainant. In an earlier occasion, the deceased person frequently, quarrel with the defacto complainant for demanding money. Thereby, the defacto complainant's brothers / petitioners herein attacked the deceased person, thereby, he lost his life. On suspicious, the defacto complainant was informed that her husband died on the road side. Initially, the case is registered for the offence under Section 174 Cr.P.C., subsequently, the same was altered into 302 IPC.

3.The learned counsel for the petitioner submitted that the petitioners did not commit any offence as alleged by the prosecution. In fact, they are brothers of the defacto complainant. Accordingly, he prayed for anticipatory bail.

4.The learned Government Advocate(Crl.side) appearing for the State on instructions would submit that the petitioners did not arrayed as accused persons in the present case and investigation is not yet completed. Therefore, the question of arresting the petitioners does not arise.

5.Since the petitioners did not arrayed as accused persons in this case, filing of anticipatory bail is premature one. Accordingly, this petition is dismissed. However, liberty is granted to the petitioners to file a petition, if any apprehension of arrest will arise.

sd/-

15/04/2019

/ TRUE COPY /

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

TO

1. THE SUB INSPECTOR OF POLICE
VADASERY POLICE STATION,
VADASERY, KANYAKUMARI DISTRICT.

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

+1. CC to Mr.N.S.RAMAKRISHNA DASS Advocate SR.No.6984

ORDER
IN

CRL OP(MD) No.5414 of 2019

Date :15/04/2019

MS/PN/SAR-1/23.04.2019/2P.4C

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