



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.5596 of 2019

RAJESH @ RAJESH KUMAR

... PETITIONER/ ACCUSED No.3

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
CHECKANURARI POLICE STATION,
MADURAI DISTRICT.

Crime No.109 of 2019

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.M.MAHARAJA 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 petitioner, who is apprehending arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 363 and 302 IPC in Crime No.109 of 2019 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant's son is staying at Usilampatti and studying third year B.Sc., I.T., at P.M.D.College, Usilampatti. At that time, the son of the defacto complainant worked in Dairy Farm belongs to the first accused. In such circumstances, he got illegal intimacy with the brother's wife of the first accused. Thereafter, they are eloped each other from the village. Thereby, the first accused went to the defacto complainant's house and enquired the whereabouts of his son and thereby attacked the defacto complainant's son. Due to which, the son of the defacto complainant has lost his life and other accused persons were escaped from the place of occurrence. Hence, this complaint is lodged.

3.The learned counsel for the petitioner submitted that the petitioner did not commit any offence as alleged by the prosecution. In fact, the petitioner is not available in the scene of occurrence. <https://hcservices.ecourts.gov.in/hcservices/> he is the friend of the first accused. Accordingly, he prayed for anticipatory bail.



4.The learned Government Advocate(Crl.side) appearing for the State would submit that the petitioner and other accused persons kidnapped the deceased person in front of the defacto complainant's house and brutally attacked the deceased person, thereby, he lost his life. There is a specific overt act against the petitioner. Except this petitioner, all the accused persons were arrested. If this petitioner is released, he will tamper the evidence.

5.Considering the facts and circumstances of the case and considering the fact that there is a specific overt act against the petitioner, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this petition is dismissed.

sd/-
15/04/2019

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

TO

1.THE INSPECTOR OF POLICE,
CHECKANURARI POLICE STATION,
MADURAI DISTRICT.

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

ORDER
IN
CRL OP(MD) No.5596 of 2019
Date :15/04/2019

TK/MMS/SAR-4/23.04.2019/2P/3C