



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

Date : 07/08/2019

PRESENT

**The Hon'ble Mr.Justice P.RAJAMANICKAM**

**CRL OP(MD) . No.10830 of 2019**

A.Muthumari

... Petitioner/Accused  
Rank not known

Vs

State rep by its,  
The Inspector of Police,  
Thiruchuli Police Station,  
Thiruchuli,  
Virudhunagar District.  
Crime No. 160 of 2019.

... Respondent/Complainant

For Petitioner : M/s.K.Prabakaran,  
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No. 160 of 2019 on the file of the Respondent Police.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under sections 294(b) and 302 of IPC, in crime No.160 of 2019, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that in the FIR, the petitioner's name not found place and only on the confession said to have been given by A1, the petitioner has been arrayed as accused. He further submitted that the petitioner has not committed any offence as alleged by the prosecution. He further submitted that since the defacto complainant was running a quarry, there was a dispute with regard to the same between the other accused persons and the deceased, but the petitioner herein has been falsely implicated in the above case. He further submitted that there is no overt act has been attributed against the petitioner. Therefore, he prayed to grant anticipatory bail to the petitioner.



4.Per contra, the learned Additional Public Prosecutor has submitted that in the FIR, the petitioner's name has not been mentioned, during investigation, one Ponthu @ Arunpandian (A1) arrested on 28.05.2019 and the said Arunpandian(A1) gave confession statement voluntarily in which he has stated that the petitioner and other accused persons have conspired to commit murder of the deceased. In pursuance of the said conspiracy, the petitioner was instructed to watch the movements of the deceased and accordingly, the petitioner has watched the movements of the deceased and informed to the other accused persons and based on the same, the other accused persons have committed murder. He further submitted that for investigation purpose the custodial interrogation of the petitioner is absolutely necessary. Hence, he strongly opposed this petition.

5.Taking into consideration of the submission made by the learned Additional Public Prosecutor that in pursuance of the conspiracy, the petitioner has watched the movements of the deceased and informed to the other accused persons about the whereabouts of the deceased and based on the same, the other accused persons have attacked the deceased and committed murder and also the submission made by the learned Additional Public Prosecutor that the custodial interrogation of the petitioner is absolutely necessary, this Court is not inclined to grant anticipatory bail to the petitioner.

6.Accordingly, this criminal original petition is dismissed.

sd/-

07/08/2019

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

TO

1.THE INSPECTOR OF POLICE  
THIRUCHULI POLICE STATION,  
THIRUCHULI, VIRUDHUNAGAR DISTRICT.

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

ORDER IN

CRL OP(MD) No.10830 of 2019

Date :07/08/2019

VSG

PK/JC/SAR-4/19.08.2019 : 2P/3C

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