



WEB COPY

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

Date : 15/12/2020

PRESENT

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

CRL OP(MD)Nos.14174 and 14492 of 2020

CRL OP(MD)No.14174 of 2020:

1.S.Gnanasekaran
2.Krishnavelu

... Petitioners/Accused No.2 & 3

Vs

The State rep.by
The Inspector of Police,
C.B.C.I.D.,
Ramanathapuram.
Crime No.1/2018

... Respondent/Complainant

For Petitioners: Mr.G.Thalaimutharasu,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No.1/2018 on the file of
the Respondent police.

CRL OP(MD)No.14492 of 2020:

Kothandaraman

... Petitioner/Accused
Rank Not Known

Vs

1.The State rep.by
The Inspector of Police,
C.B.C.I.D.,
Ramanathapuram.
Crime No.1/2018

2.The Inspector of Police,
Paramakudi Town Police Station,
Ramanathapuram.
Crime No.427 of 2012

... Respondents No. 1 and 2



For Petitioners: Mr.R.Gandhi,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.1/2018 on the file of the Respondent police.

COMMON ORDER : The Court made the following order :-

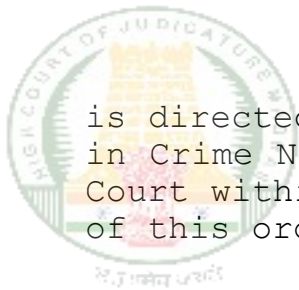
Heard the learned counsel appearing for the petitioners and the learned Government Advocate appearing for the respondent Police.

2.The case of the prosecution is that it is a case of custodial death registered on 03.10.2012 in Crime No.427 of 2012 under Section 176(1) Cr.P.C. After receipt of report from the Court concerned, the investigation has been transferred to the file of the respondent in Crime No.1 of 2018. Initially the case was registered for the offence under Sections 330, 348 and 304(ii) of IPC. There are totally four accused in this case in which, the petitioners have been arrayed A2, A3 and A4. Even till today the respondent Police did not take any steps to secure the petitioners. Therefore, the petitioners have approached this Court for anticipatory bail.

3.While pending the same, this Court felt that the offence under Section 302 of IPC is clearly made out as against the petitioners. The Judicial Magistrate found that the deceased sustained 50 numbers of injuries and all the injuries were caused by the accused persons. Further, the death was also caused due to the cumulative effect of that injuries caused by the accused persons. The respondent did not secure the petitioners and the case was kept in cold storage. While the petitioners have approached this Court for anticipatory bail, this Court felt that the offence under Section 302 of IPC is clearly made out as against the petitioners. Accordingly, the respondent police has filed a status report along with alteration report and thereby, altered the offence under Sections 330, 348, 302 r/w 34 of IPC as against all the accused persons. The first accused has already been arrested and remanded to judicial custody.

4.The learned counsel appearing for the petitioners seek permission of this Court to withdraw these petitions.

5.Considering the submission made by the learned counsel appearing for the petitioner and also considering the serious offence committed by the petitioners, these criminal original petitions are dismissed as withdrawn. However, the respondent Police



is directed to secure the petitioners and complete the investigation in Crime No.1 of 2018 and file a final report before the concerned Court within a period of 12 weeks from the date of receipt of a copy of this order.

sd/-
15/12/2020

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/ /2021

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1.THE INSPECTOR OF POLICE,
C.B.C.I.D., RAMANATHAPURAM.
- 2.THE INSPECTOR OF POLICE,
PARAMAKUDI TOWN POLICE STATION,
RAMANATHAPURAM.
- 3.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.R.GANDHI Advocate SR.No.8109

ORDER IN
CRL OP(MD)Nos.14174
and 14492 of 2020
Date :15/12/2020

VSG

TK/VR/SAR.1/11.01.2021/3P/5C