



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

Date : 23/04/2021

PRESENT

**The Hon`ble Mr.Justice G.CHANDRASEKHARAN**

**CRL OP(MD) . No.5327 of 2021**

1. Sivavelan
2. Sivamalai
3. Roopa

... Petitioners/Accused No.1 to 3

Vs

State represented by,  
The Inspector of Police,  
Nazareth Police Station,  
Thoothukudi District.  
Crime No. 66 of 2021.

... Respondent/Complainant

For Petitioners : Mr.K.Veilmuthu, Advocate for  
Mr.Thiruvadi Kumar, Advocate.

For Respondent : Mrs.M.Anantha Devi,  
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.66 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 304(ii) of IPC, in Crime No.66 of 2021, seek anticipatory bail.

2.The case of the prosecution is that on 28.03.2021 at about 03.30 p.m., on receiving the information, the de-facto complainant, who is a Village Administrative Officer visited the house of Muthiah in Thiruvalluvar Colony in the said village. He saw the petitioners herein along with one Nirmal Ganapathy, Lakshmana Perumal were found lying in a hole about 50 feet in depth on the backside of the house of Muthiah. The petitioners herein who were lying unconscious in the said hole were rescued. But Nirmal Ganapathy and Lakshmana Perumal were found dead. It is further alleged that the petitioners gave a false hope to the deceased as if there is a treasure and hence, they dug 50 feet hole without taking any precautionary measures, resulting in two persons death. Hence, the complaint.



3.The learned counsel for the petitioners would submit that even the dead persons were shown as accused in this case and these petitioners are no way responsible for their death.

4.The learned Government Advocate (Criminal side) for the respondent police submitted that the petitioners are the main accused and gave a false hope to the deceased and they dug 50 feet without taking any precautionary measures, resulting in two persons losing their life. He would further submit that the investigation is pending and postmortem report is not yet received.

5.Taking note of the facts and circumstances of the case and the fact that the petitioners are the owners of the land and they had engaged the deceased persons viz., Nirmal Ganapathy and Lakshmana Perumal by giving false hope that they can find treasure and hence, they dug 50 feet without taking any precautionary measures, resulting in their death and the fact that the investigation in this case is in preliminary stage and the First Information Report was registered only on 28.03.2021 and even the postmortem report is not received, this Court is not inclined to grant anticipatory bail to the petitioners.

6.In the result, the Criminal Original Petition is dismissed.

sd/-  
23/04/2021

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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,  
NAZARETH POLICE STATION, THOOTHUKUDI DISTRICT.

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

ORDER  
IN  
CRL OP(MD) No.5327 of 2021  
Date :23/04/2021

sjj

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