



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/07/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.8058 of 2021

1. Sivavelan
2. Roopa

... Petitioners/Accused No.1 and 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.Navaneetharaja,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
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, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 304(II) IPC in Crime No.66 of 2021, seek anticipatory bail.

2.This is second anticipatory bail petition. It is a case where 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 Muthaiah. 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 the death of two persons. Hence, the complaint.

3.The learned counsel for the petitioners submitted that as per his information investigation is completed and therefore, he seeks anticipatory bail to the petitioners.

4.However, the learned Government Advocate (Crl.side)appearing for the respondent police opposed this petition on the ground that the accused in this case are absconding and therefore, investigation could not be completed.

5.The petitioners dug 50 feet tunnel, on false hope that they would get treasure. In the course of this misadventure, no precautionary measure was arranged by the petitioners. As a result, two persons, who were engaged for digging tunnel, died of suffocation. As per the submission of the learned Government Advocate(Crl.side), the investigation could not be completed because of abscondence of these accused. Because of avarice and desire of the petitioners herein, two innocents life had been lost. Therefore, this Court is not inclined to grant anticipatory bail to the petitioners. Accordingly, this criminal original petition is dismissed.

sd/-

07/07/2021

/ TRUE COPY /

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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.8058 of 2021

Date :07/07/2021

GNS

MS-MK/MNR/SAR V/13.07.2021/2P/3C

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