



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 17/09/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.11805 of 2021

1. Rajkumar  
2. Sarathkumar

... Petitioners/Accused Nos.4 and 6

Vs

State  
The Inspector of Police,  
Mandalamanickam Police Station  
Ramnad District  
Cr.No.139 of 2021.

... Respondent/Complainant

For Petitioners : M/s.Ebenezer T.A.,  
Advocate.

For Respondent : Mr.T.Senthilkumar,  
Additional Public Prosecutor

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

PRAYER :-

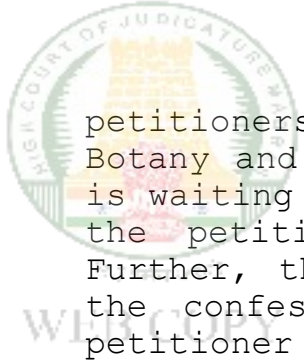
For Anticipatory bail in Crime No. 139 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A4 and A6, who apprehend arrest at the hands of the respondent Police, for the offence punishable under Sections 147, 148, 341, 323, 324, 427 and 302 IPC, in Crime No.139 of 2021, on the file of the respondent Police, seek anticipatory bail.

2. The case of the prosecution is that the first accused abused one Kaleeswari, who is the resident of the same village of the defacto complainant, for that, the defacto complainant and the villagers warned the first accused. For that motive, the first accused along with other accused murdered the defacto complainant's husband. Hence, the complaint.

3. The learned counsel for the petitioners submits that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. He further submits that both the



petitioners are brothers. The second petitioner has completed B.Sc. Botany and the first petitioner has completed plus two and now, he is waiting for admission in a college. He further submits that both the petitioners were not present in the place of occurrence. Further, the second petitioner was not named in the FIR. Based on the confession statement of the first accused only, the second petitioner has been implicated as accused. Hence, he prayed for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submits that the petitioners/A4 and A6 accompanied with the first accused. He further submits that A4 attacked the deceased with cricket bat on his foot and A6 attacked him with stick on his head. Therefore, the specific overt act is attributed as against these petitioners.

5. Considering the facts and circumstances of the case, the nature of allegations levelled against the petitioners and also the fact that the specific overt act is attributed as against these petitioners, this Court is not inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the Criminal Original Petition is dismissed.

Sd/-

17/09/2021

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/ /2021

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

OGY

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,  
MANDALAMANICKAM POLICE STATION  
RAMNAD DISTRICT.
2. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

ORDER

IN

CRL OP (MD) No.11805 of 2021

Date : 17/09/2021