



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 05/08/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.14160 of 2022

WEB COPY

1. K.A.Periyakathan

2. K.A.P.Mathivanan

... Petitioners/
Accused Rank not known

Vs

The State rep.by,
The Sub Inspector of Police,
Melavalavu Police Station,
Madurai District.
Crime No.85 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Rajaraman.R,
Advocate.

For Respondent : Mr.R.M. Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

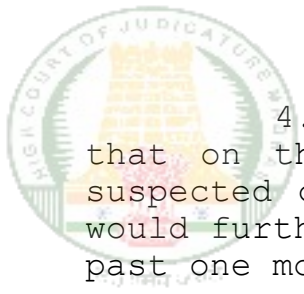
For Anticipatory Bail in Crime No.85 of 2022 on the file of
the Respondent Police.

ORDER : The Court made the following order :-

The petitioners apprehending arrest at the hands of the
respondent police for the offences punishable under section 302 IPC,
in Crime No.85 of 2022 on the file of the respondent police, seek
anticipatory bail.

2. The case of the prosecution that the de facto
complainant lodged a complaint stating that on 24.06.2022 the
deceased went to his land for taking bath. When the defacto
complainant contacted her husband through phone that was switched
off. On suspicion they went and found that his husband was lying in
the well. Thereafter, he was taken out from the well and found that
he was dead. On suspicion, a case has been registered against five
persons.

3. The learned counsel for the petitioners submitted that
the complaint given by the defacto complainant is absolutely wrong
and the petitioners herein are not involved in the above said
occurrence.



4. The respondent appeared before this Court and stated that on the basis of primary enquiry, the petitioners have been suspected only on the ground that they were called for enquiry. He would further submit that 2nd petitioner appeared for enquiry for the past one month and thereafter, he did not appear for enquiry.

WEB COPY

5. On perusal of the CD file it is seen that the first petitioner has also filed Crl.O.P(MD).No.12925 of 2021 before this Court seeking a direction to the respondent not to harass him and in that petition there was a direction to the respondent to complete the process within a period of three months and that there was undertaking on the part of the petitioner that he will appear before the respondent and co-operate with them for enquiry to complete the investigation. It has been made by the respondent that only for two hearings the second petitioner appeared. Thereafter, as stated above did not appear.

6. Even now, the counsel for the petitioners are ready to co-operate for enquiry, considering the serious nature of offence and that it is a case of murder, the custodial interrogation of the petitioners is necessary. Hence, this Court is not inclined to grant anticipatory bail to the petitioners.

7. Accordingly, this Criminal Original Petition is dismissed.

sd/-

05/08/2022

/ TRUE COPY /

/09/2022

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

TRP

TO

1.The Sub Inspector of Police,
Melavalavu Police Station,
Madurai District.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1. CC to M/S.RAJARAMAN R Advocate SR.No.8209

ORDER

IN

CRL OP(MD) No.14160 of 2022

Date :05/08/2022

RK/JM/SAR-IV (01/09/2022) 2P/4C

<https://www.mhc.tn.gov.in/judis>