



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 25/02/2022
PRESENT

The Hon`ble Mr.Justice **K.MURALI SHANKAR**

CRL OP(MD) . No.20214 of 2021

1. C.Raja
2. Murugan
3. Chinnathiyan
4. Ramesh
5. Surender
6. Arutselvakumar
7. Vayakkattusamy
8. Sudha

... Petitioners/Accused Nos.1 to 8

Vs

The State represented by
The Inspector of Police,
Kottampatti Police Station, Madurai District.
(Crime No.5 of 2019).

... Respondent/Complainant

For Petitioners: Mr.J.Lawrance, Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor.

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

PRAYER :-For Anticipatory Bail in Crl.M.P.No.80 of 2021 on the file of the learned Judicial Magistrate, Melur, in connection with Crime No.5 of 2019 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/accused, who apprehend arrest at the hands of the respondent police in view of the order dated 20.10.2021 passed by the learned Judicial Magistrate, Melur, in Crl.M.P.No.80 of 2021 in Crime No.5 of 2019 on the file of the respondent police for the offence punishable under Section 302 IPC, seek anticipatory bail.

2.The case of the prosecution is that due to the alleged attack made by the petitioners, who are the police officials on one Chinnavellaiyan, the said Chinnavellaiyan has died. Hence, the complaint.

3.It is evident from the records that FIR came to be registered for the offence under Section 176(1A)(1) Cr.P.C., on 04.01.2019 and after completing the investigation, they have filed a final report, by holding that there is no material or evidence to show that the deceased Chinnavellaiyan was harassed and tortured by the police and



that was the reason for his death and has concluded as 'further action dropped'.

4. Challenging the said finding, the defacto complainant has filed a protest petition before the jurisdictional Magistrate Court. The learned Magistrate, after enquiry in Crl.M.P.No.80 of 2021, has passed an order rejecting the final conclusion given by the Investigation Officer in the final report and held that there is a *prima facie* case and hence, the case was taken on file against the petitioners herein and also ordered to issue summons to them. Hence, the petitioners are forced to file the above petition for anticipatory bail.

5. As rightly contended by the learned Additional Public Prosecutor, since the learned Magistrate has only issued summons to the petitioners, the question of seeking anticipatory bail does not arise. But the petitioners are directed to appear before the judicial Magistrate and on such appearance, the learned Magistrate is at liberty to direct the petitioners to execute necessary bonds for the future appearance and also for future proceedings, if any, against them.

6. With the above directions, this Criminal Original Petition is disposed of.

sd/-
25/02/2022

/ TRUE COPY /

/ /2022
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 JUDICIAL MAGISTRATE, MELUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
KOTTAMPATTI POLICE STATION, MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

- +1 CC to MR.J.LAWRANCE, Advocate (SR-1552[I] dated 28/02/2022)
+1 CC to MR.J.LAWRANCE, Advocate (SR-1564[I] dated 28/02/2022)

ORDER IN
CRL OP(MD) No.20214 of 2021
Date :25/02/2022

CSM

<https://hmcjceprgrra.gov.in/Services/3.2022/2P/7C>