



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

Date : 25/11/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD) . No.20108 of 2022

1. Mari
2. C.Murugan

... Petitioners/Accused
Rank Not Known

Vs

The State Rep. by,
The Inspector of Police,
CBCID-OCU, OCU Police Station,
Tirunelveli District.
Crime No. 1 of 2018.

... Respondent/Complainant

For Petitioners : M/s.Jeyakumaran J,
Advocate
For Respondent : Mr.M.Vaikkam Karunanithi,
Government Advocate (Crl.Side)

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

PRAYER :-

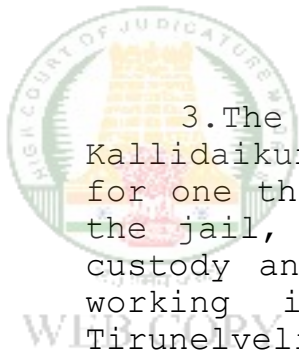
For Anticipatory Bail in Crime No.1 of 2018 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 176 (1-A) (a) of Cr.P.C @ Sections 348, 304(ii), 201 r/w 304(ii) of IPC, in Crime No.1 of 2018, seek anticipatory bail.

(Offences were amended as per the order of this Court dated 25.11.2022 made in Crl.M.P(MD) No.14591 of 2022)

2.The case of the prosecution is that on 24.03.2015, the police officials of Kallidaikurichi Police Station, Tirunelveli District, were taken up custody to the defacto complainant's son namely Murugan for one theft case. Thereafter, the very next day on 25.03.2015, the police officials informed that the defacto complainant's son was died and his body was at Government Hospital Ambasamdram. Hence, this complaint.



3.The learned counsel for the petitioners would submit that the Kallidaikurichi police officials were arrested the deceased Murugan for one theft case and remanded him. Thereafter, when they went to the jail, the above deceased Murugan was escaped from the police custody and fell down and died. Further, the first petitioner was working in Grade-I Constable at Pathamadai Police Station, Tirunelveli District and the second petitioner was working as Special Sub Inspector of Police at Veeravanallur Police Station, Tirunelveli District. The above two police stations were under Cheranmahadevi Sub Division, but the alleged Kallidaikurichi Police Station was under the Ambasamudram Sub Division. He would further submit that the petitioners are innocents and they have been falsely implicated in this case. Hence, they may be granted anticipatory bail.

4.The learned Government Advocate (Crl.side) appearing for the respondent police would submit that it is a case of custodial death and investigation in this case has been completed and charge sheet has also been filed and the case was taken on file in C.C.No.290 of 2015 on the file of the learned Judicial Magistrate, Ambasamudram. However, considering the gravity of offence, he strongly opposed to grant anticipatory bail to the petitioners.

5.Considering the nature and gravity of the offence and also considering the serious allegations levelled against the petitioners and the objection raised by the prosecution, this Court is not inclined to grant anticipatory bail to the petitioners.

6.Accordingly, this Criminal Original petition is dismissed.

sd/-

25/11/2022

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/12/2022

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

CP

TO

1. THE INSPECTOR OF POLICE,
CBCID OCU, OCU POLICE STATION, TIRUNELVELI DISTRICT.
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

CRL OP(MD) No.20108 of 2022

Date :25/11/2022

USK/SSS/SAR-III/23.12.2022/2P/3C

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