



WEB COPY

CRL OP(MD).

23



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 10/04/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.6523 of 2023

Sivasubramaniya Pillai @ Mohan, ... Petitioner/Accused No.2

Vs

State Rep.by  
The Inspector of Police,  
Aralvaimozhi Police Station,  
Kanyakumari District.  
Crime No.55 of 2023.

... Respondent/Complainant

For Petitioner : M/s.Babu Jaganath.R., Advocate.

For Respondent : Mr.R.M.Anbunithi,  
Additional Public Prosecutor(Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.55 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused who apprehends arrest at the hands of the respondent police for the offences punishable under sections 341,294(b),307 of IPC @341,294(b)and 302 of IPC in Crime No. 55 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 17.02.2023 at about 4.30 pm., due to previous enmity the accused persons jointly attacked the husband of the defacto complainant using stick, due to which he fell down and he was admitted in the hospital and subsequently on 21.02.2023 he died, hence the case.



3. Heard both sides and perused the materials available on record including the First Information Report.

4. It is seen that there are totally two accused in this case and the petitioner herein is arrayed as A2. Due to previous enmity between the father of the deceased and the petitioner in respect of using tarpaulin of the deceased. Whiles on 17.02.2023 when the deceased was proceeding to his house from the temple, the A1 along with other accused n attacked him with wooden log on his head, therefore he sustained injuries and fell down. Immediately he was taken to hospital and unfortunately he died on 21.02.2023. Hence the offence has been altered from 307 of IPC to 302 of IPC. Further there is specific overt act as against the petitioner and therefore custodial interrogation of the petitioner is requires in this case, hence this Court is not inclined to grant anticipatory bail to the petitioner.

5. In the result, the petition stand dismissed.

sd/-

10/04/2023

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/04/2023

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

AAV

TO

- 1 THE INSPECTOR OF POLICE  
ARALVAIMOZHI POLICE STATION,  
KANYAKUMARI DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.6523 of 2023

Date :10/04/2023

PKP/SSS/SAR-3/13.04.2023/ **2P/3C**