



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

Friday, the Twenty Fourth day of November Two Thousand Seventeen

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PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.12742 of 2017

1 MONIKA @ AMIRTHALAKSHMI

2 SARANYA @ SIVASANKARI

... PETITIONERS/ ACCUSED NO. 3 & 4

Vs

STATE REP.BY

THE INSPECTOR OF POLICE,

VILLUR POLICE STATION,

MADURAI DISTRICT.

CRIME NO.84/2015

... RESPONDENT / COMPLAINANT

For Petitioners: M/S.S.MUNIYANDI Advocate

For Respondent : M/S.K.ANBARASAN, Government Advocate(Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as Accused Nos.3 and 4, apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 364, 302 and 120(B) of I.P.C. altered into Sections 109, 342, 114, 201 r/w. 149 of I.P.C., in Crime No.84 of 2015, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant involved in double murder of one Nagarajan and his wife. The legal heirs of the deceased engaged hooligans in order to murder defacto complainant's husband. The defacto complainant gave a complaint before the respondent police as her husband is found "missing". Thereafter, the defacto complainant found her husband's body on 15.10.2017, near Puliyankulam, Ayyanar Temple in the decomposed condition. Initially, the case was registered for the offences under Sections 147, 148, 364, 302 and 120(B) of I.P.C., and on seeing the body of the defacto complainant's husband, the case was altered into Sections 109, 342, 114, 201 r/w. 149 of I.P.C. Admittedly, the



petitioners, who are arrayed as A3 and A4, are the main accused and the other three accused have already been arrested and remanded into judicial custody.

3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution. The petitioners are the daughters of one Nagarajan and Thanga pandiyammal who were murdered by the deceased person. He would further submit that there is no specific overt-act attributed against the petitioners and there is no eyewitness implicating the petitioners as accused in this case.

4. The learned Government Advocate (Criminal side) appearing for the State submitted that charge sheet has already been filed before the lower Court and the petitioners were declared as "absconding accused".

5. Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Criminal side), I am inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned District Munsif cum Judicial Magistrate, Peraiyur, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) each with two sureties for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) the petitioners shall report before the Concerned Court, for each and every hearing without fail;

(ii) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(iii) the petitioners shall make themselves available for interrogation including custodial interrogation as and when required by the investigation officer;

(iv) the petitioners shall not abscond either during investigation or trial;

(v) the petitioners shall not commit any offence while on bail;

(vi) On breach of any of the aforesaid conditions, the learned Magistrate/trial Court is entitled to take appropriate action against the petitioners in



accordance with law and the anticipatory bail granted stands cancelled automatically.

sd/-
24/11/2017

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

TO

1. THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
PERAIYUR.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI.
3. THE INSPECTOR OF POLICE,
VILLUR POLICE STATION, MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.MUNIYANDI Advocate SR.No.35061

ORDER
IN
CRL OP(MD) No.12742 of 2017
Date :24/11/2017

MS/PM-PN/SAR.1/30.11.2017/3P.6C