



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

Tuesday, the Fifth day of December Two Thousand Seventeen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.16628 of 2017

GANESAN @ MOHAMAD GANI

... PETITIONER/ACCUSED (A2)

Vs

STATE OF TAMILNADU REP BY
THE INSPECTOR OF POLICE
THOOTHUKUDI NORTH POLICE STATION,
THOOTHUKUDI DISTRICT

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.U.KASIPANDIAN Advocate

For Respondent : MR.K.ANBARASAN, Govt. Advocate (Crl. Side)

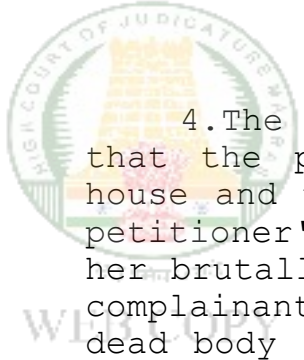
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/accused No.2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 450 and 302 of IPC, in Crime No.601 of 2017, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the deceased person after her divorce with the first husband, fell in love with the petitioner's son, thereby, she married him. After their marriage, they were blessed with two male children. After the birth of the second male child, on 25.11.2017, the petitioner and his wife, who is none other than the father-in-law and mother-in-law of the deceased person, threatened her to leave away from the petitioner's son. Since the deceased person refused to leave her husband, the petitioner's wife went to the deceased person's house, when her husband was standing outside of the house and brutally attacked her with aruval, thereby she died in the spot. Hence the Law Enforcing Agency registered a complaint against the petitioner and his wife.

3.The learned counsel for the petitioner would submit that the petitioner is in no way connected with the brutal attack with aruval by his wife. He was standing at the road side. He did not know as to what was happened inside the deceased person's house. The Law Enforcing Agency foisted a false case against the petitioner, accordingly, he prays for anticipatory bail.



4.The learned Government Advocate (Criminal side) would submit that the petitioner along with A1 went to the deceased person's house and while the petitioner was standing outside the house, the petitioner's wife went into the deceased person's house and attacked her brutally with aruval, thereby she died on the spot. The defacto complainant who is the father of the deceased person, on seeing the dead body in side the house, with fatal injuries, gave a complaint against the petitioner and his wife before the respondent police.

5.Considering the facts and circumstances of the case and also considering the submissions made by the learned Government Advocate (Crl.side) and considering the gravity of the offence, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, this Anticipatory bail petition is dismissed.

sd/-
05/12/2017

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

TO

- 1 THE INSPECTOR OF POLICE
THOOTHUKUDI NORTH POLICE STATION,
THOOTHUKUDI DISTRICT
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

ORDER
IN
CRL OP (MD) No.16628 of 2017
Date :05/12/2017

SMA/RR/SAR-1/12.12.2017:2P/3C