



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

Monday, the Eleventh day of December Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.16763 of 2017

1 BALAMURUGAN
2 MURUGAN
3 E.CHINNATHAMBI

... PETITIONERS/ACCUSED No.1 to 3

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
AVANIAPURAM POLICE STATION,
AVANIAPURAM,
MADURAI DISTRICT.
(CRIME NO.NOT KNOWN OF 2017)

... RESPONDENT/COMPLAINANT

For Petitioners : M/S.N.SARAVANAN Advocate

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

For Intervenor : MR.MARIMUTHU, Advocate

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

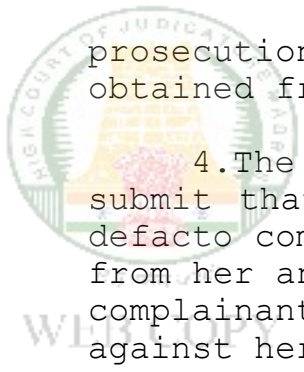
ORDER : The Court Made the following order :-

The petitioners, who are arrayed as Accused No.1 to 3, apprehending arrest at the hands of the respondent police for the offence punishable under Sections 294(b) and 506(ii) of IPC, in Crime No.Not known of 2017, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is a lady. The property stands in the name of the defacto complainant. However, her sons and her husband chased away the defacto complainant and constructed a house and not permitted her to reside in it. Since the defacto complainant is an aged lady and as she was not maintained by her husband and sons, she lodged a complaint against them before the respondent police, thereby, the respondent police has registered a case against the petitioners.

<https://hcservices.ecourts.gov.in/hcservices/>

3.The learned counsel appearing for the petitioner would submit that the petitioners did not commit any offence as alleged by the



prosecution. Since, it is a civil dispute, the remedy can be obtained from competent civil forum.

4.The learned counsel appearing for the intervenor would submit that the property in question is stands in the name of the defacto complainant. The defacto complainant inherited the property from her ancestors. However, the petitioner chased away the defacto complainant and not take care of her. Hence, she gave a complaint against her own husband and sons.

5.Considering the facts and circumstances of the case that since the sons are not ready to take care of their own mother and in view of the heinous offence committed by the petitioners, I am not inclined to entertain this petition. Accordingly, this petition is dismissed.

sd/-
11/12/2017

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

TO

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

ORDER
IN
CRL OP(MD) No.16763 of 2017
Date :11/12/2017

PK/PM-PN/SAR-1/15.12.2017 : 2P/3C