



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

Monday, the Seventeenth day of April Two Thousand Seventeen

PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

CRL OP(MD) No.4495 of 2017

1 R.VIJAYABHARATHI
2 B. RAMAMOORTHY

... PETITIONERS/ACCUSED 2 & 3

Vs

STATE THROUGH
THE INSPECTOR OF POLICE
UTCHIPULI POLICE STATION,
RAMANATHAPURAM DISTRICT
CRIME NO.103 OF 2017

... RESPONDENT/COMPLAINANT

For Petitioner : M/S. R. MAHESWARAN Advocate

For Respondent : MRS.S.PRABHA, Govt. 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 A2 and A3 in Crime No.103 of 2017 on the file of the respondent police, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 109, 294(b), 324, 307 IPC @ 109, 294(b), 324 and 302 IPC and hence, seek anticipatory bail.

2.Heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side) for the respondent/State.

3.The learned counsel for the petitioners submitted that the defacto complainant is the mother of the first accused. The deceased in this case is the father of the first accused. The petitioners are wife and father-in-law of the first accused. It is alleged in the complaint that at the instigation of the petitioners, the first accused attacked the deceased with wooden log and subsequently, the deceased succumbed to the said injury in the hospital. He would further submit that initially the case has been registered only under Sections 109, 294(b), 324, 307 IPC and subsequently, the same has been altered into under Sections 109, 294 (b), 324 and 302 IPC. Since the deceased and the defacto complainant who are father-in-law and mother-in-law of the first petitioner, harassed her repeatedly, she has lodged a complaint against them and the same is pending in CSR No.28 of 2017. Having grudge against the same, the petitioners have been falsely implicated in this case. The petitioners are nothing to do with the alleged offences.



4.The learned Government Advocate appearing for the respondent / Police submitted that the first accused has already been arrested and remanded to judicial custody and that the investigation is pending.

5.Considering the facts and circumstances of the case and also considering the nature of the allegation raised against the petitioner, this Court is 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 before the learned Judicial Magistrate No.II, Ramanathapuram and on each executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that the petitioners shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

6.The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
17/04/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, RAMANATHAPURAM.
- 2 THE CHIEF JUDICIAL MAGISTRATE, RAMANATHAPURAM.
- 3 THE INSPECTOR OF POLICE
UTCHIPULI POLICE STATION, RAMANATHAPURAM DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S. R. MAHESWARAN Advocate SR.No.20265

GCG
CSL/BS/SAR-II/19.04.2017 : 2P/6C

ORDER
IN
CRL OP(MD) No.4495 of 2017
Date :17/04/2017