



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

Date : 09/09/2019

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

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CRL MP(MD).No.5865 of 2019 in
CRL OP(MD).No.8379 of 2019

Vijitha Ragupathy ... Petitioner/ Defacto Complainant's wife

Vs

- 1.P.T.Raja
- 2.Jayapaul
- 3.Sivasamy
- 4.Vijayakumar
- 5.Sudhakar
- 6.Sathishkumar
- 7.Gowtham
- 8.Karmegam

.. 1 to 8 Respondents/ Petitioners/Accused

9.State Represented by

The Sub - Inspector of Police,
Kenikarai Police Station,
Ramnathapuram District.
(Crime No. 174/2019).

... 9th Respondent/Complainant

For Petitioner : M/s.D.Balamurugapandi,
Advocate.

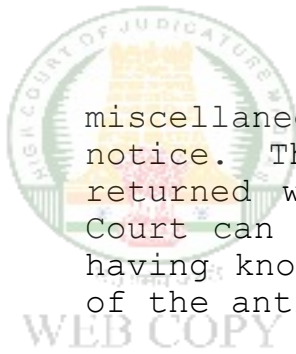
For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side) for R9

PRAYER :-

To cancel the Anticipatory Bail granted in Crl.O.P(MD).
No.8379/2019 on the file of the Honourable Court, Madurai dated on
21/06/2019 in Crime No.174/2019 on the file of the 9th Respondent.

ORDER : The Court Made the following order :-

The petitioner herein is the wife of the defacto complainant.
She is aggrieved by the grant of anticipatory bail to respondents 1
to 8 herein vide order dated 21.06.2019 in Crl.O.P.(MD)No.8379 of
2019. This Court directed the petitioner to serve the papers on the
counsel who appeared for respondents 1 to 8 herein. It is stated
that the counsel who appeared for the accused in the main petition
accept the papers. Registry for numbering the



miscellaneous petition directed the petitioner to take private notice. The private notice taken by the petitioner herein was returned with an endorsement "Unclaimed"(refused to accept). This Court can conclude from all this that respondents 1 to 8 herein are having knowledge about the filing of this petition for cancellation of the anticipatory bail by the wife of the defacto complainant.

2. The allegations against the first respondent/P.T.Raja and the second respondent/Jayapaul, alone are serious. The allegations against respondents 3 to 8 are not serious. Therefore, I am inclined to consider for cancellation of anticipatory bail granted to these two accused alone.

3. The defacto complainant Ragupathi suffered as many as seven stab injuries. The allegations are directed only against P.T.Raja and Jeyapaul in the First Information Report. He was admitted to Velammal Medical College Hospital, Madurai, on 09.06.2019. Since his lung condition was critical, he was referred to Department of Hepato Biliary Science and Liver Transplantation, Rela Institute and Medical Centre, Chennai, for better treatment. Thus, on 21.06.2019, the victim was very much in hospital. It was also mentioned that there is no previous case against the accused. It is now brought on record that there are quite a few proceedings pending against P.T.Raja. The details are as follows:-

"(i) Crime No.466 of 2009 u/s.147, 341, 294(b), 506
(ii) of I.P.C.

(ii) Crime No.463 of 2010 u/s.147, 148, 294(b), 323
and 506(ii) of I.P.C.

(iii) Crime No.487 of 2010 u/s.387 of I.P.C.

(iv) Crime No.163 of 2016 u/s.107 of Cr.P.C.,

(v) Crime No.482 of 2018 u/s.110(e) of Cr.P.C.

(vi) Crime No.74 of 2019 u/s.143, 285 of I.P.C. @ 177
M.V.Act."

Likewise against the second respondent/Jayapaul, there is Crime No.122 of 2009.

4. The victim suffered as many as 7 stab injuries. P.T.Raja is said to have stabbed the victim near the lungs. Jeyapaul had stabbed the victim on his back. They also inflicted the other stab injuries. When such serious allegations have been made against respondents 1 and 2, I am of the view that the prosecution ought to have informed this Court that the victim is still in hospital. If all the relevant facts had been placed before this Court, this Court would not have granted anticipatory bail to them.



5. In this view of the matter, the anticipatory bail granted in favour of respondents 1 and 2 herein vide order dated 21.06.2019 in CrI.O.P.(MD)No.8379 of 2019 is cancelled. This petition stands partly allowed.

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/ TRUE COPY /

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

TO

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

+1 CC to M/s.D.BALAMURUGAPANDI, Advocate
(SR-15132[I] dated 09/09/2019)

ORDER
IN
CRL MP(MD) No.5865 of 2019
IN
CRL OP(MD) No.8379 of 2019
Date :09/09/2019

PMU
ES/PN/SAR 1/16.09.2019/3P/6C