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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/07/2019

PRESENT

The Hon'ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.9818 of 2019

1. Ennasiyammal

2. J.Jackulin

... Petitioners/Accused No.2 & 3

Vs

State rep. By

The Inspetor of Poliece,

Kamuthii Police Station,

Ramanathapuram District

Crime No. 96 /2019.

... Respondent/Complainant

For Petitioner : M/s.N.Ramesh Arumugam,
Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No. 96 of 2019 on the file of
the Respondent police

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the
respondent police for the offences punishable under Sections 294(b),
323, 324 and 506(ii) of IPC r/w Section 4 of TNPHW Act altered into
under Sections 294(b), 323, 506(ii) and 302 of IPC in crime No.96 of
2019, seek anticipatory bail.

2. Heard both sides.



3. The learned counsel appearing for the petitioners has submitted that the defacto complainant is residing in the opposite house of the petitioner's house. He further submitted that on 18.05.2019 at about 09.30 p.m quarrel arose in the house of the defacto complainant and they caused nuisance and hence the first accused has asked them not to create any nuisance. He further submitted that on 19.05.2019, at about 02.45 p.m when the first accused was sitting in front of his house the defacto complainant's husband and two others came there and asked the first accused and also the petitioners herein and caused grievous injuries. Hence, they were admitted in the hospital and with regard to the said occurrence a complaint was lodged by the first accused and based on the same, the FIR was registered in Crime No.95 of 2019 for the offence under Sections 294(b), 323, 324 and 307 of IPC and Section 4 of TNPHW Act, 2002. He further submitted that the petitioners have not committed any offence as alleged by the prosecution. Further, a counter case has been registered against the petitioners herein and the accused No.1 in Crime No.96 of 2019 for the offence under Sections 294(b), 323, 324 and 506(ii) of IPC r/w Section 4 of TNPWH Act. He further submitted that as per the prosecution case, the injured namely Jesintha was admitted in the hospital and subsequently she succumbed injury on 21.05.2019 and hence the sections were altered into 294(b), 323, 506(ii) and 302 of IPC. He further submitted that already A1 was arrested and subsequently he was released on bail. He further submitted that the petitioners herein are the family members of A1 and they have not committed any offence and therefore, he prayed for grant of anticipatory bail to the petitioners.

4. Per contra, the learned Additional Public Prosecutor has submitted that the first petitioner has pushed down the deceased and treadled her and the second petitioner has assaulted one Rathinakumar with a stick and caused simple injury. He further submitted that though initially FIR was registered under Sections 294(b), 323, 324 and 506(ii) of IPC r/w Section 4 of TNPWH Act, but subsequently, on 21.05.2019, the injured namely Jesintha succumbed to the injuries and hence the sections were altered into Sections 294(b), 323, 506(ii) and 302 of IPC. He further submitted that for investigation purpose, the custodial interrogation of the petitioners is absolutely necessary and therefore, he strongly opposed this petition.

5. Taking into consideration the allegations made against the petitioners that the first petitioner has pushed down the deceased and treadled her and also the second petitioner has attacked one Rathinakumar with a stick on his head and caused injuries and also the submissions made by the learned Additional Public Prosecutor that the custodial interrogation of the petitioners is absolutely necessary, this Court is not inclined to grant anticipatory bail to the petitioners.



6. Accordingly, this criminal original petition is dismissed.

sd/-
12/07/2019

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

TO

- 1 THE INSPETOR OF POLICE, KAMUTHI POLICE STATION,
RAMANATHAPURAM DISTRICT
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP (MD) No.9818 of 2019
Date :12/07/2019

vsg
JMN/JC/SAR-2/24.07.2019/3P-3C