



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

Date : 03/03/2020

WEB COPY

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) . No.3975 of 2020

1. P.PAUNRAJ
2. P.MAHESWARI

... PETITIONERS/ACCUSED NOS.2 AND 16

VS

STATE REP. BY
THE INSPECTOR OF POLICE,
ELUMALAI POLICE STATION
MADURAI DISTRICT
CRIME NO.24 OF 2020.

... RESPONDENT/COMPLAINANT

For Petitioners : Mr.N.Satheesh Kumar,
Advocate.
For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

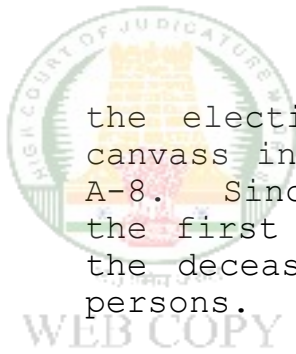
For Anticipatory Bail in crime No.24 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl.side) appearing for the State.

2.The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under sections 147, 148, 342, 323, 302 and 109 of I.P.C., in Crime No. 24 of 2020, on the file of the respondent police, seek anticipatory bail.

3.The petitioners herein are husband and wife. Due to some dispute in the election, the petitioners along with the other 14 accused, way laid the deceased and attacked him, causing death. In the prosecution, the first petitioner, who contested



the election has paid a sum of Rs.15,000/- to the deceased to canvass in favour of the first petitioner. Money was paid through A-8. Since the first petitioner lost the election, the mother of the first petitioner, who is arrayed as A-10, picked quarrel with the deceased person followed by the brutal attack by the accused persons.

4.The learned counsel for the petitioners would submit that there is a case and counter case following the death of Muthiah. The family members of Muthiah, ransacked the first petitioner's house causing damage worth about Rs.2,50,000/-. He would further submit that A-9, A-10, A-12, A-13 and A-14 have already granted bail and anticipatory bail respectively.

5.However, the learned Government (Crl. side) appearing for the State would submit that the accused persons who have been granted bail, stands on a different footing, whereas, the petitioners and the first accused who contested and lost the election, the other accused joined with him to assault the deceased Muthiah.

6.Since overt act is specifically against the petitioners, who are the husband and wife and investigation is still pending, this Court is of the view that there cannot be parity between the petitioners and the other accused, who are already been granted bail by this Court. Hence, this petition is dismissed.

sd/-
03/03/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE INSPECTOR OF POLICE
ELUMALAI POLICE STATION
MADURAI DISTRICT.

2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.N.SATHEESH KUMAR Advocate SR.No.4702

ORDER
IN
CRL OP(MD) No.3975 of 2020
Date :03/03/2020

SJI

<https://hcmvce.sirg.gov.in/Services/3.2020/2P/4C>