



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

Date : 07/05/2020

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD). No.5206 of 2020

1. Thavamani
2. A. Rasammal@ Rajathi ... Petitioners/Accused No.4 & 5

Vs

The State rep.by
The Inspector of Police,
Mallankinaru Police Station,
Virudhunagar District
(Crime No.65 of 2020).

... Respondent/Complainant

For Petitioner : Mr.S.Malaikani, Advocate.

For Respondent : Mr.S.Chandra Sekar,
Additional Public Prosecutor

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

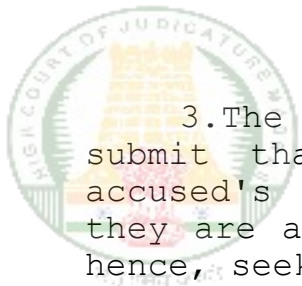
PRAYER :-

For Anticipatory Bail in Crime No.65 of 2020 on the file of the
Respondent Police

ORDER : The Court made the following order :-

The petitioners seek anticipatory bail in the case registered
against them for the offences punishable under Sections 120-B, 341,
294(b), 302 and 506(ii) IPC.

2.According to the petitioners, one Kanthavel Devar was done to
death four years ago due to property dispute. As a sequence, there
was a rival between the family of Kanthavel Devar and the family of
the petitioner. One of the accused in that murder case namely,
Akninageswaran died in Delhi and his body was buried at Manthoppu.
When the defacto complainant and the deceased in this case went to
the cemetery of the said Aknineswaran on 16.03.2020, they were
intercepted by one Arunkumar and two others. They attacked the
deceased with deadly weapons, therefore, the deceased died on its
way to the hospital. Pursuant to this, the police has arrested the
said Arunkumar, Jeyaramamoorthy and Alagar. Based on the confession
statement given by one of the accused, these two petitioners /
mother and wife of the said Alagar were included in the list of the



3.The learned counsel appearing for the petitioners would submit that these two petitioners are womenfolk of the first accused's family, therefore, they have been falsely implicated and they are apprehending arrest by the respondent police at any time, hence, seek anticipatory bail.

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4.The learned Additional Public Prosecutor strongly opposed this petition on the ground that it is the case of the murder as retaliation. At the instigation of these petitioners, conspiracy has been done to murder the said Akkiniraman. The police were able to arrest four of the accused and these two petitioners are absconding. Due to absconding of these two petitioners, the police are unable to complete the investigation. Further, the learned Additional Public Prosecutor has expressed apprehension that if the petitioners are granted anticipatory bail, that may lead to further retaliation and law and order issue.

5.The notes circulated by the learned Additional Public Prosecutor indicate that between these two parties case in Crime No.238 of 2012 for the offences under Sections 147, 294(b), 442, 427, 323, 506(ii) and 379 IPC r/w Section 4 of TNPHW Act; the case in Crime No.1 of 2016 for the offence under Section 302 IPC and the case in Crime No.51 of 2020 for the offence under Section 107 Cr.P.C., are pending. In the said circumstances, entertaining the anticipatory petition filed by these petitioners will only escalate the animosity between these two group leading to retaliation. Hence, this Criminal Original Petition seeking anticipatory bail, stands dismissed.

sd/-

07/05/2020

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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,
Mallankinaru Police Station, Virudhunagar District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP(MD) No.5206 of 2020

Date :07/05/2020