



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated : 22/05/2020

WEB COPY

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) . No.5368 of 2020

Maylammal ... Petitioner/Accused-10

Vs

State Rep.by
The Sub-Inspector of Police,
Uthamapalayam Police Station,
Theni District. ... Respondent/Complainant

M.K.Selvendran ... Petitioner/ Intervening Petitioner/
Defacto complainant

For Petitioner : Mr.T.Selvam, for
M/s.B.Raja,
Advocate.

For Respondent : Mr.S.Chandrasekar,
Additional Public Prosecutor

For Intervenor : Mr.Veerakathiravan,
Senior Advocate,
for M/s.Veera Associates

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

PRAYER :-

For Anticipatory Bail in Crime No.147 of 2020 on the file of the respondent police.

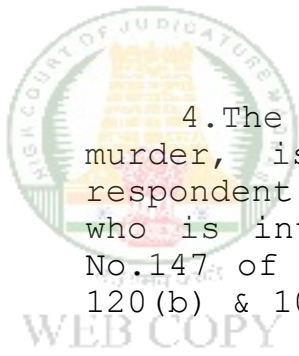
ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent and the learned Senior counsel for the intervenor.

2. The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 147, 148, 149, 302, 120(b) & 109 IPC in Crime No.147 of 2020 on the file of the respondent police, seeks anticipatory bail.

3. Petition for anticipatory bail is received through E.Mail and was taken up for consideration today.

<https://heservices.eoplrts.gov.in/hcsefices/>



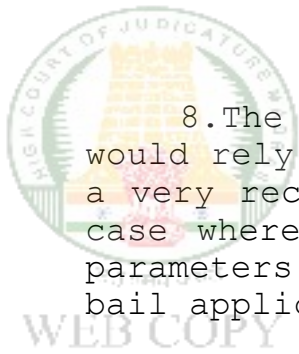
4.The petitioner herein, who is arrayed as A10 in a case of murder, is before this Court seeking anticipatory bail. The respondent police based on the complaint given by one Selventhiran, who is intervenor in this petition, has registered FIR in Crime No.147 of 2020 for the offence under Sections 147, 148, 149, 302, 120(b) & 109 IPC.

5.According to the complaint, the deceased Ranjith Kumar has purchased coconut garden from one Rajakantham on 14.11.2019. One Vijayan, son of Rajakantham, on 15.11.2019 had came along with 10 others to the field while the defacto complainant's family was ploughing the field. Vijayan and his associates have attacked the defacto complainant and his family members. In the said attack, the defacto complainant has sustained injury on his shoulder. In this regard, Kudaloor South Police has registered a case in crime No.329 of 2019 against the said Vijayan and others. Later, Vijayan and his associates Jeyaprabhu, were threatened the defacto complainant's family whenever they met. They sworn to eliminate the defacto complainant's family. Few days before the present occurrence, the brother of the defacto complainant, namely Ranjith Kumar was waylaid by the accused persons and challenged him that they will eliminate him, within one month. In this connection, the said Ranjith Kumar has given a complaint at Cumbam South Police Station and the same has been received in C.S.R.No.51 of 2020.

6.In the said background on 06.03.2020, while Ranjith Kumar returning from Court, at about 3.30 p.m., near Kovindhanpatti Poomalai Theatre, in Hero Honda bike bearing Registration No.TN 57 E 0133 he was hit by a red colour car. The occupants in the car started attacked Ranjith Kumar with deadly weapons. The defacto complainant who was following his brother Ranjith Kumar was able to identify the assailants and named them in FIR. Ranjith Kuamr died on the spot. The defacto complainant has mentioned in his complaint that the conspiracy to eliminate Ranjith Kumar was hatched by Jeyaprabu and others at the Office of one Advocate Chokkar(A8) in which, present petitioner Mayilammal was also participated. Hence, she is arrayed as A10.

7.The learned counsel for the petitioner would submit that except the said reference about this petitioner in FIR, there is no material against her to show that she conspired with other accused to kill Ranjith Kumar. The learned counsel for the petitioner rely upon the following judgments:

- 1.Solanki Ravibhai Dipubhai Vs. State of Gujarat and another**
- 2.Prabhu Vs State of Karnataka**
- 3.Barun Chandra Thakur Vs CBI and others (2018)12 SCC 119.**
- 4.Sushila Aggarwal Vs State (Nct of Delhi)**



8.The learned counsel for the petitioner more particularly would rely upon the observation made by the Hon'ble Supreme Court in a very recent judgment in **Sushila Aggarwal Vs State (Nct of Delhi)** case wherein the Hon'ble Supreme Court has formulated factors and parameters to be taken into consideration for dealing anticipatory bail application.

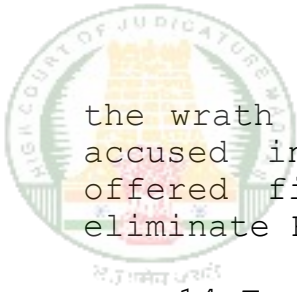
9.Citing the said parameters, the learned counsel for the petitioner would submit that the petitioner herein, who is 70 year old lady, having reputation and respect in the society and she has roots in the society and there is no possibility of fleeing from the justice or repeating similar offence. If she is arrested it will humiliate her and her family. With the help of Sections 109 and 120 (b) IPC she is now sought to be implicated. Therefore, the petitioner may be granted anticipatory bail and she is ready and willing to co-operate with the investigation.

10.The learned counsel for the intervenor would submit that the petitioner herein along with Advocate Jeyaprabu had a common grievance against the deceased. At the Office of one Chokkar(A8), Advocate, conspiracy was hatched and this petitioner, has financially helped the accused since she was affected by the attitude of the deceased. Though several facts and incriminating materials against this petitioner were collected by the Investigating Officer, due to political influence, this petitioner not yet arrested.

11.This Court in order to verify whether there is any incriminating materials collected during the course of investigation by the police, which warrants detention of this petitioner, directed the learned Additional Public Prosecutor to submit incriminating material if any against this petitioner collected during the course of investigation, apart from the reference about this petitioner in FIR.

12.Accordingly, the learned Additional Public Prosecutor has forwarded the confession statement of the few accused recorded during the course of investigation. A perusal of the confession statements of Rajesh (A4), Anandhan (A5), Pratab (A6), Vijayan (A9), reveals that there was dispute between the family members of Ranjith Kumar and the family members of the Jeyaprabu. Unfortunately, both of them are enrolled Advocates and practising at Kudaloor Bar. One Vijayan, who is also Advocate wants to retrieve his family property which has been taken possession by Ranjith Kumar, has asked the help of Jeyaprabu. One Chokkar also an Advocate and friend of Jeyaprabu has associated with Jeyaprabu to engage hirelings. This petitioner is the client of Jeyaprabu and there is a dispute between this petitioner and one Karunanithi, who is the father of Ranjith Kumar.

13.Thus, this petitioner along with Vijayan and Jeyaprabu are the common object of eliminating Ranjith Kumar, who has incurred



the wrath of this petitioner and Jeyaprabu and others. One of the accused in his confession has stated that this petitioner has offered finance support and was ready to spent any amount to eliminate Ranjith Kumar.

14.From the materials collected during the course of investigation shows the needle of suspicious towards this petitioner. Though she was not at the scene of occurrence, her role in the conspiracy to eliminate Ranjith Kumar, engaging hirelings have spoken by many words by many witnesses in their confession statements. Therefore, parameters formulated by the Hon'ble Supreme Court in Sushila Aggarwal Vs State (Nct of Delhi), positively indicates this petitioner does not deserve anticipatory bail and it is imperative to arrest the accused in the give facts and circumstances narrated above.

15.Hence, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this criminal original petition is dismissed.

sd/-
22/05/2020

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

TO

- 1 THE SUB-INSPECTOR OF POLICE,
UTHAMAPALAYAM POLICE STATION,
THENI DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.5368 of 2020
Date :22/05/2020

MS/PN/SAR-3/29.05.2020/4P.3C