



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

Date : 16/09/2020

PRESENT

**The Hon`ble Mr.Justice V.BHARATHIDASAN**

CRL OP(MD). No.9868 of 2020

1.Antony Anantharuban  
2.Vijaya  
3.Francis Xevier

... Petitioners/Accused

Vs

The State rep.by  
The Inspector of Police,  
Thoogur Police Station,  
Thanjavur District.  
Crime No.158/2020.

... Respondent/Complainant

For Petitioners : M/s.R.Mathiyalagan,  
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,  
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.158/2020 on the file of the Respondent Police.

**ORDER :** The Court made the following order :-

The petitioners herein were arrested on 14.07.2020 for the alleged offences under Sections 302 and 201 of IPC.

2. The petitioners herein are arrayed as A1 to A3 The deceased is the father of the first petitioner and the husband of the second petitioner. The case of the prosecution there was a property dispute between the deceased and the petitioners herein due to which on the date of occurrence A1 said to have attacked the deceased in his head and caused injuries. Thereafter all the accused took the deceased to the nearby house left the deceased there. On the next day morning the petitioners herein informed the relatives about the death of the deceased and tried to cremate the body as if the death is a natural death. After hearing the same, the Village Administrative Officer rushed to the spot and given a complaint to



the respondent police. Thereafter the body was taken to hospital and post mortem was conducted, in which it is clearly stated that there was serious fracture injuries in the skull. Subsequently the petitioners were arrested and confessed that they only committed the murder.

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3. The learned counsel for the petitioner would submit that the deceased is a drunkard and he consumed alcohol and fall down from the cot and sustained injuries on his head. After coming to know about this the petitioners immediately took him to hospital where he was declared dead. After informing the same to the relatives they took steps to cremate the body and they have not taken steps to screen the evidence and it is only a natural death.

4. The learned Government Advocate (Crl.Side) would submit that from the Post Mortem Certificate it could be seen that the deceased sustained three fractures in the head and the due to the fatal injuries in the vital parts he might have died. The petitioner might have murdered because of the civil dispute. He would also submit that the investigation is still pending.

5. From the perusal of the records it is seen that there are multiple fracture over and frontal and parietal lobe with rupture of overlying meninges in the brain and also injuries in the vital parts. Further the doctor who has conducted post mortem has also opined that the deceased would have died due to fatal injury in the vital organ. Therefore it could be assumed that the injuries are not caused while falling from the cot.

6. Taking into consideration all the above facts and also taking into consideration the gravity of offence this Court is not inclined to grant bail to the petitioner.

7. Hence this petition stands dismissed.

sd/-

16/09/2020

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/ /2020

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

**Note :** In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



TO

1. THE INSPECTOR OF POLICE,  
THOOGUR POLICE STATION,  
THANJAVUR DISTRICT.
2. THE OFFICER INCHARGE,  
PUDUKKOTTAI PRISON, PUDUKKOTTAI.
3. THE OFFICER INCHARGE,  
WOMEN PRISON, MARKET ROAD, TRICHIRAPPALLI.
4. THE ADDITIONAL PUBLIC PROSECUTOR  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER  
IN  
CRL OP(MD) No.9868 of 2020  
Date :16/09/2020

AAV  
TK/JC/SAR.2/18.09.2020/3P/5C