



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/03/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.557 of 2021

1 M.SUTHANTHIRAM
2 M.KAPILRAJ
3 BHUVANESWARI

... PETITIONERS/ACCUSED NO.1 TO 3

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
KARUPPAYOORANI POLICE STATION,
MADURAI DISTRICT.
(CRIME NO.4 OF 2021)

... RESPONDENT/COMPLAINANT

R.KARPAGAJOTHI

... PETITIONER/INTERVENER
IN CRL MP(MD)No.584 of 2021 IN
CRL OP(MD)No.557 OF 2021

For Petitioners: Mr.A.Kesavan,
Advocate.
For Respondent : Mr.R.Srinivasan,
Government Advocate (Crl.Side)
For Intervener : Mr.N.Sathish Babu,
Advocate

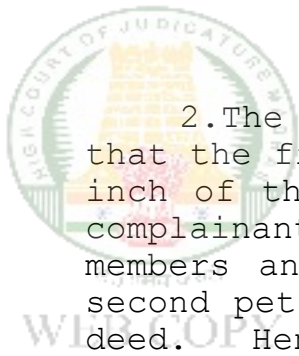
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.4 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

This Court by order dated 02.02.2021, directing the second petitioner and the defacto complainant to appear before the Mediation Centre on 08.02.2021. Thereafter, the mediation has been conducted on 24.02.2021 and Mediation has sent a report stating that no agreement was reached.



2.The learned counsel appearing for the petitioners submitted that the first petitioner is not willing to settle the property even inch of the property to the defacto complainant, since the defacto complainant had developed love affair against the wish of the family members and married one Rajan. He further submitted that both the second petitioner and the defacto complainant had executed released deed. Hence, he seeks anticipatory bail to the petitioners.

3.Heard the learned counsel appearing for the petitioners and the intervener/defacto complainant and learned Government Advocate (Crl. Side) appearing for the respondent Police.

4.The learned counsel appearing for the intervener submitted that the second petitioner is the brother of the defacto complainant. He further submitted that on 15.06.2016 both the second petitioner and the defacto complainant had executed release deed, in which, the second petitioner had given only one property to the defacto complainant. On the other hand, the second petitioner had acquired nine properties. He further submitted that she was in a critical financial crunch and therefore, he requested her half share in her parent's property from the second petitioner. Due to which, the petitioners were said to have attacked the defacto complainant with iron rod without even considered that the defacto complainant is pregnant. Hence, he opposed this application.

5.On perusal of the materials available on records, it is seen that the mother of the second petitioner and the defacto complainant viz., Hepzi died on 12.11.2010 and their father viz., Muthupandi died on 10.04.2011, at that time, both were at young age. It is also seen that there are only two legal heirs. The defacto complainant had been apportioned only one property. On the other hand, the second petitioner herein had been apportioned nine properties and it is a house sites and agricultural properties. The defacto complainant being a lady and she lost her parents at young age, due to which, she wanted love and care at her young age, therefore, she had developed love affair and married one Rajan. The petitioners taking advantage of this situation, only one property has been given to the defacto complainant. Thereafter, due to financial crisis, the defacto complainant requested the second petitioner to give her share, at that time, the petitioners were said to have attacked the defacto complainant by using iron rod and pushed her. Thereafter, she was admitted to the Government Rajaji Hospital, Madurai and taken treatment at right point time and she saved her pregnancy.

6.Considering the facts and circumstances of the case and also considering the fact that the petitioners were said to have assaulted the pregnant lady/defacto complainant in public, this Court is not inclined to grant anticipatory bail to the petitioners.



7. At this stage, the learned counsel appearing for the petitioners seeks permission of this Court to withdraw this petition.

8. In view of the same, this Criminal Original Petition stands dismissed as withdrawn.

sd/-
08/03/2021

/ TRUE COPY /

/ /2021
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,
KARUPPAYOORANI POLICE STATION,
MADURAI DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.557 of 2021
Date : 08/03/2021

vsg
AE/JC/SAR-III (11/03/2021) 3P / 3C