



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

Date : 16/04/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.5220 of 2021

1. Maheshwari
2. Amutha @ Amutharani ... Petitioners/Accused Nos.4 and 5

Vs

State Rep.by
The Inspector of Police,
Sivagangai Taluk Police Station,
Sivagangai District.
Crime No.63/2021. ... Respondent/Complainant

For Petitioners: Mr.A.Mohan,
Advocate.

For Respondent : Mr.K.Dinesh Babu,
Additional Public Prosecutor

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

PRAYER :- For Anticipatory bail in Crime No. 63/2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as Accused Nos.4 and 5, apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 429, 147, 148, 294(b), 341, 324, 302 and 506(ii) of IPC, in Crime No.63 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that there was a previous enmity between the petitioners and the defacto complainant with regard to partition of ancestral property, on 29.03.2021 at about 02.00 p.m, the defacto complainant along with her husband and son were coming near Alupillaithangi Kanmai, the defacto complainant's father-in-law was grazing the goats at kanmai, at that time, the first accused instigated the dog to bite his goat, as a result, the dog bite the goat and it died. Due to which, there was a fight arose between the defacto complainant's father-in-law and the first accused. On the same day at about 04.00 p.m, the petitioner and other accused persons came there and attacked her father-in-law with deadly weapons on his head and right chest and also attacked with



wooden log, due to which, he fell down and died. The petitioners herein have restrained the defacto complainant's father-in-law from leaving in the scene of occurrence. Thereafter, the petitioners along with other accused attacked the husband of the defacto complainant with Aruval on his forehead and fingers and caused injuries to him and he fell down. Later he was taken to hospital and the doctor declared that he was brought dead. Hence, the present complaint.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case and they have not committed any offence as alleged by the prosecution. Hence, he prayed for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent Police strongly opposed this petition on the ground that the petitioners actually involved in commission of offence. He further submitted that at the time of occurrence, the petitioners restrained the deceased from fleeing in the scene of occurrence.

5.Considering the facts and circumstances of the case and also considering the fact that it is double murder and the father-in-law and husband of the defacto complainant were murdered by the accused persons and the petitioners actually involved in commission of offence and the investigation is at preliminary stage, this Court is not inclined to grant anticipatory bail to the petitioner.

6.Accordingly, this Criminal Original Petition stands dismissed.

sd/-
16/04/2021

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/ /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,
SIVAGANGAI TALUK POLICE STATION,
SIVAGANGAI DISTRICT.



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

WEB COPY

vsg
MS/PN/SAR-2/10.05.2021/3P.3C

ORDER
IN
CRL OP(MD) No.5220 of 2021
Date :16/04/2021