



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

Date : 06/07/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . Nos.8841 and 8842 of 2021

P.Maheswari ... Petitioner/Accused No.A16
in Crl.O.P(MD) No.8841 of 2021

Pavunraj ... Petitioner/Accused No.A2
in Crl.O.P(MD) No.8842 of 2021

Vs

State rep.by,
The Inspector of Police,
Elumalai Police Station,
Crime No. 24/2020
Elumalai, Madurai District. ... Respondent/Complainant
in both Petitions

(In both petitions)

For Petitioners : Mr.NA.Palaniyandi,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

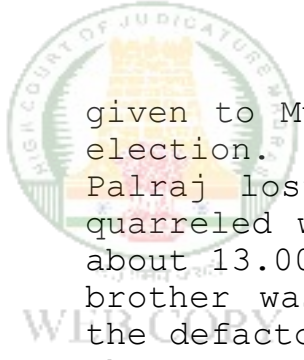
COMMON PRAYER :-

For anticipatory Bail in Crime No. 24/2020 on the file of the
respondent Police

COMMON ORDER : The Court made the following order :-

The petitioners/accused, who apprehend arrest at the hands of
the respondent police for the alleged offences punishable under
Sections 147, 148, 342,323,302 IPC r/w.Section 109 of IPC in Crime
No.24 of 2020, seek anticipatory bail.

2.The case of the prosecution is that the brother of the
defacto complainant is the President of Utthapapuram Uravinmurai.
When the defacto complainant was in his brother's house and talking
with Muthiah, his wife and children, on 18.01.2020 at about 12.10
hrs, one Arumugam came to his brother's house and asked Muthiah
to give Rs.15,000/-which he has given to Muthiah and abused him in
filthy language. When the defacto complainant enquired about the
issue he told that during election for panchayat Rs.15000/- was



given to Muthiah for supporting Palraj who was contesting in the election. He also worked for victory of Palraj. However the said Palraj lost the election. Therefore Paulraj, Pavunraj and Murugan quarreled with Muthiah to give back the money. On the same day at about 13.00 hrs he heard a noise in front of the house. He saw his brother was attacked by Prakash, Nithish Naveen and Gowtham. When the defacto complainant tried to intervene he was also beaten by all the accused. Paulraj and Pavunraj strangulated the deceased by keeping their legs on his neck. As a result he fainted and was taken to hospital. In the hospital it was informed that he was dead. Therefore, this case came to be registered.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case. He would also submit that the investigation in this case is completed and some of the co-accused in this case were either released on bail or granted anticipatory bail, hence he seeks anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor would submit that the investigation is completed. This petitioner Pavunraj was infact responsible for causing death of the deceased by strangulating the deceased with his leg along with the first accused. It is a murder case, therefore custodial interrogation of the petitioner is very much required, hence he opposed to grant anticipatory bail to the petitioners.

5. In this case investigation might have been completed. The allegations in the First Information Report shows that the petitioner Pavunraj herein is mainly responsible for causing death of the deceased. He along with other accused strangulated the deceased with his leg. Considering the lead role played by the petitioner Pavunraj in causing death of the deceased, this Court is not inclined to grant anticipatory bail to him. Petitioner Maheswari was already granted anticipatory bail in CrI.O.P(MD) No. 6314 of 2020, but has not complied with the order. In the said circumstances second anticipatory bail order is not maintainable. Hence these petitions stand dismissed.

Considering the fact that the investigation is almost completed and some of the co-accused were released on bail or granted anticipatory bail, this Court directs the petitioners to surrender before the concerned Sessions Judge and seek regular bail. If any such petition is filed, the learned Sessions Judge is directed to consider the same and pass orders on merits and in accordance with law as early as possible.

sd/-

06/07/2021

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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.

WEB COPY

TO

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

+2. CC to Mr.NA.PALANIYANDI, Advocate SR.Nos.4400, 4401

ORDER

IN

CRL OP(MD) No.8841 of 2021

Date :06/07/2021

AAV

PK/AKM/SAR-II/09.07.2021 : 3P/5C