



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/10/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.15437 of 2021

1. D.Vignesh

2. T.Bharathiraja

... Petitioners/Accused

No.1 & 2

Vs

State rep.by

The Inspector of Police,

Kurumbur Police Station,

Kurumbur,

Thoothukudi District

(Crime No.117 of 2021).

... Respondent/Complainant

For Petitioners : M/s.Pragalathan.N, Advocate.

For Respondent : Mr.P.Kottai Chamy,

Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.117 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 294(b), 323, 324, 352, 506(ii) of IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Woman Act @ 304(2), 294(b), 323, 324, 506(ii) of IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Woman Act, in Crime No.117 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 11.08.2021 at about 02.00 a.m., the petitioners herein and the other accused attacked the defacto complainant, since the defacto complainant refused to give money for consuming liquor. When the same was questioned by the mother of the defacto complainant, the petitioners herein pushed down her, due to which, she sustained injury. She was admitted in the hospital and died. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that in fact, the defacto complainant has consumed liquor and caused problem. Further, the mother of the defacto complainant/deceased abused the petitioners in filthy language and also assaulted the petitioners. However, a false case has been foisted as if the petitioners have pushed down the deceased.

4.The learned Additional Public Prosecutor appearing for the respondent police opposed this petition on the ground that the petitioners assaulted the mother of the defacto complainant, due to which, she sustained injuries and died.

5. Considering the nature of offence and the fact that the mother of the defacto complainant died due to the violent act of the petitioners, this Court is not inclined to grant anticipatory bail to the petitioners. Accordingly, this Criminal Original Petition is dismissed.

Sd/-
20/10/2021

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/ /2021
Sub-Assistant Registrar (C.S.III)
Madurai Bench of Madras High Court,
Madurai - 625 023.

ssb

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
KURUMBUR POLICE STATION,
KURUMBUR,
THOOTHUKUDI DISTRICT.
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP (MD) No.15437 of 2021
Date :20/10/2021