



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

Date : 16/02/2022

PRESENT

WEB COPY

**The Hon`ble Mr.Justice K.MURALI SHANKAR**

CRL OP(MD) . No.2569 of 2022

1. Kuzhanthaivel
2. Jeevanantham

... Petitioners/Accused No. 2 and 3

Vs

The State Rep. By,  
The Inspector of Police,  
Pandhanallur Police Station,  
Thanjavur District.  
Cr.No.2/2022.

... Respondent/Complainant

For Petitioner : M/s.Karunanithi M,  
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime.No.2 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/accused Nos.2 and 3 who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 302 I.P.C., and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Cr.No.2 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the deceased Gomathi is the mother of the defacto complainant, that the defacto complainant is living along with her son and daughter, that there was a dispute between the first accused and the son of the defacto complainant at the time of playing Kabadi, that the accused aggrieved over the same on 02.01.2022 came to the house of the defacto complainant and attacked the son of the defacto complainant and at that time, the defacto complainant and the mother of the defacto complainant had intervened, that the first accused pushed her down with hands, that the said Gomathi had sustained injury and she died on the way to the hospital. Hence, the present complaint.



3. The learned Counsel for the petitioner would submit that the petitioners are innocents and they have not committed any offence as alleged in the F.I.R., and a false case has been registered against them.

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4. The learned Additional Public Prosecutor appearing for the State would submit that there arose some disputes between the first accused and the defacto complainant's son at the kabadi ground, that the first accused aggrieved over the same, came along with the other accused to the house of the defacto complainant, that the accused had abused the defacto complainant and her daughter in filthy language and attacked them and that when the mother of the defacto complainant had intervened, the first accused had pushed her down and that she had sustained injuries and died on the way to the hospital, that the case is under investigation and that the overt act of the other accused are serious in nature and that therefore, they are opposing for grant of anticipatory bail.

5. The learned Counsel for the petitioners would submit that the prosecution has attributed the overt act only against the first accused, that there were no overt act attributed against the accused 2 and 3 and that the investigation is almost completed.

6. No doubt, since the first accused is in judicial custody from 03.01.2022, this Court has granted bail to him. Considering the representation of the learned Additional Public Prosecutor appearing for the State and objections raised by him, this Court is not inclined to grant anticipatory bail to the petitioners at this point of time.

7. In the result, the Criminal Original Petition is dismissed.

sd/-  
16/02/2022

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/ /2022  
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,  
PANDHANALLUR POLICE STATION,  
THANJAVUR DISTRICT.

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

ORDER

IN

CRL OP(MD) No.2569 of 2022

Date :16/02/2022

USK/VR/SAR-I/22.02.2022/3P/3C