



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.04.2022

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P. (MD)No.5846 of 2022

and

Crl.M.P. (MD)No.4132 of 2022

WEB COPY

1.K.Malar Vendhan

2.S.Suthan

... Petitioners

Vs.

1.State represented by
The Inspector of Police,
Suchindram Police Station,
Kanyakumari District.

2.Prabhu

...Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to withdraw the Crl.M.P.No.1601 of 2022 pending on the file of the Principle District and Sessions Judge, Nagercoil and transfer the same to the court of competent jurisdiction Madurai or any other court outside Nagercoil/Kanyakumari District.

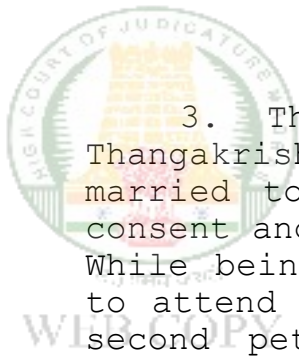
For Petitioners : Mr.Bhagavath Singh

For R-1 : Mr.R.M.Anbunithi
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed for transfer of anticipatory bail petition filed by the second respondent in Crl.M.P.No.1601 of 2022 from the file of the Principle District and Sessions Court, Nagercoil to the file of any other Court at Madurai or any other Court outside Nagercoil/Kanyakumari District.

2. The deceased Thangakrishnan was the first petitioner's fiance and the second petitioner is the brother of the deceased Thangakrishnan, who are witnesses to the occurrence leading to the murder of the deceased. On the murder of the deceased Thangakrishnan, F.I.R has been registered in Crime No.18 of 2022 punishable for the offences under Section 109, 147, 148, 294(b) and 302 of IPC on the file of the first respondent as against four accused persons and subsequently added five more accused persons. However, the accused persons were arrested and remanded to judicial custody except the second respondent herein.



3. The first petitioner is an advocate. The deceased Thangakrishnan was her fiancé. The deceased Thangakrishnan got married to one Vanitha. Thereafter, they got divorce by mutual consent and he was engaged with the first petitioner to get married. While being so, when the deceased Thangakrishnan came to Nagercoil to attend a case pending against him, the third accused called the second petitioner and the deceased to his house. The second respondent already got love affair with the wife of the deceased Thangakrishnan, due to which there was some dispute. Hence, the second respondent engaged henchmen and murdered the deceased Thangakrishnan. However, he was not arrested and he filed a petition for anticipatory bail in Crl.M.P.No.1601 of 2022 before the Principal District and Sessions Court, Kanyakumari at Nagercoil.

4. The petitioners have also filed their intervening petition in Crl.M.P.No.1687 of 2022 thereby objecting the grant of anticipatory bail to the second respondent. However, the petitioners were not allowed to enter into the Court campus and they got threatened by the other advocates in the Court campus. Therefore, they approached this Court for transfer of anticipatory bail petition in Crl.M.P.No.1601 of 2022 from the file of the Principal District and Sessions Court, Nagercoil to any other district.

5. This Court granted interim stay at lunch motion moved by the petitioners on 28.03.2022. That apart, this Court called upon the Court below to submit a report in this regard. The Court below has filed a report dated 31.03.2022 stating that there was no representation by the petitioners in Crl.M.P.No.1687 of 2022 which was filed to intervene the anticipatory bail and the same was dismissed for non-prosecution. Further, on the same day, the anticipatory bail petition filed by the second respondent was also dismissed on merits for the reason that the second respondent is the root cause for the entire occurrence. Therefore, now, no petition is pending on the file of the Principal District and Sessions Court, Kanyakumari at Nagercoil.

6. The learned Additional Public Prosecutor submitted that after dismissal of the anticipatory bail petition filed by the second respondent, now, the first respondent is about to secure the second respondent for the judicial custody.

7. The petitioners have filed an additional affidavit stating that they have life threats from the members of the Bar and its President at Nagercoil and if the second respondent prefers second anticipatory bail or any regular bail application, the petitioners herein may be noticed to raise their objections.

8. Considering the above, the transfer of anticipatory bail petition filed by the second respondent in Crl.M.P.No.1601 of 2022



Court, Kanyakumari at Nagercoil is directed to issue notice to the petitioners herein, if any anticipatory bail or any bail application is filed by the second respondent in future and dispose the same on merits and in accordance with law.

9. Accordingly, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition stands closed.

Sd/-

Assistant Registrar (RTI)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Lm

To

1.The Principal District and Sessions Judge,
Kanyakumari,
Nagercoil.

2.The Inspector of Police,
Suchindram Police Station,
Kanyakumari District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.BHAGAVATH SINGH, Advocate (SR-16204[F] dated
01/04/2022)

Crl.O.P. (MD)No.5846 of 2022

and

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RD(22.04.2022) 3P 5C