



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Dated: 12/08/2022
PRESENT

The Hon'ble Mr.Justice **G.ILANGO VAN**

Crl.OP(MD)No.12604 of 2022

1.Nagarajan
2.Maheshwaran

... Petitioners/2nd and 4th Accused

Vs.

State rep. By
The Inspector of Police,
Virudhunagar Rural Police Station,
Virudhunagar District.
(Crime No.117 of 2022)

... Respondent/Complainant

For Petitioner : Mr.S.Poornachandran, Advocate.
For 1st Respondent : Mr.B.Thanga Aravindh
Government Advocate(Criminal side)
For Intervenor : Mr.Rajeshkumar.R, Advocate.

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

PRAYER:-For Anticipatory Bail in Crime No.117 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order:-

The petitioners, who are arrayed as A2 and A4 apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b), 324 and 506(ii) IPC, in Crime No.117 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The petitioner is facing the charges for the offences under sections 294(b), 324 and 506(ii) IPC.

3.Heard both sides.

4.It has been brought to the notice of this court that already interim protection was granted to the petitioners namely A2 and A4. But A2 committed murder of one Saraswathi, over which, a case in Crime No.131 of 2022 was registered on 27/07/2022.

5.This matter was heard by me on more than one occasions. At that time, the learned counsel appearing for the petitioners by producing photographs has contended that only the de-facto complainant and other persons came to the disputed property with a view to making a compromise made a life



threat. On seeing the photographs, by granting interim protection to both the accused, this court directed the petitioners as well as de-facto complainant to appear before the respondent police to complete the enquiry with regard to the above said issue. It appears that during the pendency of the enquiry, heinous offence of murder has been committed by A2 by taking advantage of the interim protection given by this court. So the learned counsel appearing for the petitioners sought permission of this court to not press the petition by A2.

6. Even though the matter has become infructuous, in so far as the A2 is concerned, the conduct must also be placed on record.

7. The learned counsel appearing for the petitioners would submit that the 2nd petitioner/A4 is noway connected with the above said murder and he is not involved, either directly or indirectly in the murder case.

8. The learned counsel appearing for the intervenor would submit that the involvement of the 2nd petitioner/A4 is also suspected and they are also going to take steps to investigate the matter, by impleading the first petitioner as an accused.

9. Now whatever it may be, now the concern of this court is that by taking advantage of the interim protection order, such a heinous crime has been committed. This court cannot take it lightly as if A1 is not involved in the offence of murder. Interim protection was granted only for the limited purpose of knowing ground situation on the date of the alleged occurrence.

10. The learned Government Advocate (Criminal side) would submit that only for the purpose of removing the knot in the thatched house, aruval was provided by the de-facto complainant themselves. Only to ascertain the truth, the above said direction was made.

11. Moreover reading of the FIR shows that there is continuous trouble between the parties over the land issue, in respect of which also, the offence of murder has been committed. So the petitioners are not all entitled for the discretionary relief of anticipatory bail.

12. In the result, this criminal original petition is **dismissed**.

sd/-

12/08/2022

/ TRUE COPY /

/09/2022

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
VIRUDHUNAGAR RURAL POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.12604 of 2022
Date :12/08/2022

ER
MK/VR/SAR.IV/07.09.2022/3P/3C