



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Dated: 11/08/2022

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

Crl.OP(MD)Nos.12658 and 13428 of 2022

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Crl.OP(MD)No.12658 of 2022

Amutha

... Petitioner/Accused No.8

Vs.

State represented by
The Inspector of Police,
Manamadurai Police Station,
Sivagangai District.
(In Crime No.198 of 2022)

... Respondent/Complainant

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

PRAYER :-

For Anticipatory Bail in Crime No.198 of 2022 on the file of the Respondent Police.

Crl.OP(MD)No.13428 of 2022

Balathandayutham

... Petitioner/Accused No.7

Vs.

State represented by
The Inspector of Police,
Manamadurai Police Station,
Sivagangai District.
(In Crime No.198 of 2022)

... Respondent/Complainant

PETITION FOR BAIL Under Sec.439 of Cr.P.C

PRAYER :-

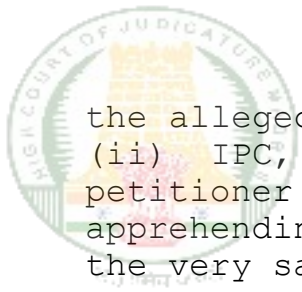
For Bail in Crime No.198 of 2022 on the file of the Respondent Police.

IN BOTH CASES

For Petitioner : Mr.A.Balaji, Advocate
For Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor

COMMON ORDER : The Court made the following order :-

The petitioner in Crl.OP(MD)No.13428 of 2022, who is arrayed as
A7 was arrested, on 29/06/2022 and remanded to judicial custody for
<https://www.mhc.tn.gov.in/judis>



the alleged offences punishable under sections 342, 302, 101, 106 (ii) IPC, in Crime No.198 of 2022, seeks bail, whereas the petitioner in Crl.OP(MD)No.12658 of 2022, who is arrayed as A8 apprehending arrest at the hands of the respondent in the respect of the very same crime No.198 of 2022, seeks anticipatory bail.

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2.The case of the prosecution is that the de-facto complainant had four sons, among them one Ayyankalai was appointed in a Government job. Towards securing the above said posting, they incurred Rs.15,00,000/- as loan amount. That was also repaid by them. But the above said Ayyankalai discontinued the job, in 2014. The above said Ayyankalai demanded money and caused injury to them and in this regard, a case in Crime No.395 of 2014 was registered. Later also, the above said Ayyankalai and his wife used to threaten them. On 29/06/2022 at about 4.30 am, she heard a cry of her husband. She rushed the spot and found that the accused Thangamani was holding her husband's leg and the accused Nagaraj @ Rajkumar and Arasavel were holding the hands. Ayyankalai cut the neck of her husband with knife. On seeing them, the above said Ayyankalai ran away from that place. Based upon the occurrence, the case was registered against eight persons.

3. Seeking anticipatory bail, A8-Amutha filed crl.OP(MD)No.12658 of 2022, whereas seeking bail, A7 has filed bail application.

4. Heard both sides.

5. It is a case of patricide and the main accused is arrayed as A1-Ayyankalai.

6. Reading of the FIR and the connected CD file shows that there was a continuous trouble by the first accused to the de-facto complainant regarding some property demand, selling, etc.

7. So far as the A7-Balathandayutham is concerned, the learned counsel appearing for the petitioner/A7 would submit that there is no specific overtact attributed against him. Even as per the FIR, he was not present in the place of occurrence and he was arrested, on 29/06/2022 and ever-since, he is in custody.

8. No doubt, it is a case of gruesome murder. But there is a specific allegation against this petitioner to the effect that along with the co-accused, this petitioner has also trespassed into the house of the de-facto complainant. So the contention on the part of the petitioner/A7 that he was not at all present in the occurrence place even as per the FIR is not correct on record.

9. Considering the gruesome murder the manner in which it took place, the bail application came to be dismissed by the Principal District Judge, Sivagangai. Now the investigation has not been completed so the petitioner is released on bail, he will hamper the



investigating process. So I find no merit in this petition and accordingly, Crl.OP(MD)No.13428 of 2022 is dismissed.

10. Similarly in so far as the petitioner/A8 in Crl.OP(MD) No.12658 of 2022 is concerned, who is the wife of the accused Balathandayutham-A7, she is also stated to be present in the place of occurrence and also stated to be trespassed into the house along with the co-accused. Since it is a case of murder, the petitioner must be taken into custodial interrogation to bring out the truth about her involvement. Unless a strong case has been made out, this petitioner is not entitled for the discretionary relief of anticipatory bail. No ground worth considering the anticipatory bail has been made out.

11. Perusal of the CD file shows that there is a persistent pressure and demand from the accused persons over the property of the de-facto complainant. So Crl.OP(MD)No.12658 of 2022 is also **dismissed**.

12. In the result, both criminal original petitions are **dismissed**.

sd/-

11/08/2022

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/08/2022

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, MANAMADURAI POLICE STATION, SIVAGANGAI DISTRICT.
- 2 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

CRL.OP(MD)NOS.12658 & 13428 OF 2022
Date :11/08/2022

er

RS/JM/SAR.4 (16.08.2022) 3P-4C