



WEB COPY



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

Dated: 04/08/2022

PRESENT

The Hon'ble Mr.Justice G.ILANGOVAN

Crl.OP(MD)No.13717 of 2022

1.Seethalakshmi @ Seethai

2.Sivashanthi ... Petitioners/Accused No.2 & 3

Vs.

State through

The Inspector of Police,
Devakottai Taluk Police Station,
Sivagangai District.

(In Crime No.79 of 2022) ... Respondent/Complainant

For Petitioners : Mr.K.Syumbulinga Bharathi, Advocate
for Mr.KR.Bharathi Kannan, Advocate

For Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor

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

PRAYER:-

For Anticipatory Bail in Crime No.79 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order:-

The petitioners, who are arrayed as A2 and A3 apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b), 109, 324, 307 IPC r/w section 4 of TNPHW Act @ section 294(b), 109, 324, 302 IPC r/w section 4 of TNPHW Act, in Crime No.79 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the accused persons and the de-facto complainant are neighbours. The wife of A1 by name Mangayarkarasi was in talking terms with the de-facto complainant and that was not liked by A2, who is the mother-in-law and A3, who is the sister-in-law. Later a marriage proposal was made for the son of the de-facto complainant and that proposal was spoiled by the



accused persons. Because of that, there was enmity. Two days prior to the occurrence, there was a domestic petty quarrel between Mangayarkarasi and her mother-in-law, suspecting that the above said issue arose at the instance of the de-facto complainant. A1 was informed by A2 and A3, on 08/05/2022, when he returned to India. At that time, A2 and A3 instigated A1 to kill the deceased and thereafter came to the house. So, at the instigation, that has been made by A2 and A3, A1 caused severe injury to the deceased with wooden-log. He was admitted in the hospital and later, declared to be dead. Investigation was undertaken and final report was also filed stating that A1 was punishable under section 294(b), 324 and 302 IPC and section 4 of TNPHW Act. A2 and A3 have been charged sheeted for the offences under sections 294(b), 109, 302 r/w 34 IPC.

3. Seeking anticipatory bail, this petition has been filed by the petitioners, who are arrayed as A2 and A3.

4. The earlier anticipatory bail application filed by the petitioners came to be dismissed by this court, in CrI.OP(MD)No.9890 of 2022, dated 23/06/2022 on the ground that there is a specific overtact attributed against the petitioners. Now after release of A1 on bail, again this petition came to be filed on the ground that A1 has been enlarged on bail, so these petitioners can be considered for granting anticipatory bail.

5. Since there is a specific allegation to the effect that only these petitioners instigated A1 to commit the murder upon the deceased, considering the gravity of the offence, the earlier anticipatory bail petition was dismissed by this court.

6. The learned counsel appearing for the petitioners would submit that no allegation of assault was made against the petitioners. But from the reading of the final report, as stated above, even though the petitioners did not attack the deceased, it is a clear of abetment of commission of offence.

7. So, absolutely, I find no change of circumstances. Since final report has been filed before the concerned court, the petitioners are at liberty to surrender before the concerned court and seek regular bail as per law.

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

Sd/-

04/08/2022

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/08/2022

Sub-Assistant Registrar (C.S.IV)
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,
DEVAKOTTAI TALUK POLICE STATION,
SIVAGANGAI DISTRICT.
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.13717 of 2022
Date :04/08/2022

SP/JM/SAR IV/25/08/2022/3P/3C