



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

Date : 08/08/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.13600 of 2022

1. Muthuraj @ Muthurasu

2. Lakshmi

... Petitioners/Accused No.2&3

Vs

The State Rep. By,
The Inspector of Police,
Thiruchuli Police Station,
Virudhunagar District.
Crime.No.48 of 2022.

... Respondent/Complainant

For Petitioners : Mr.H.Mohammed Imran, Advocate for
M/s. Ajmal Associates

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

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

PRAYER :-

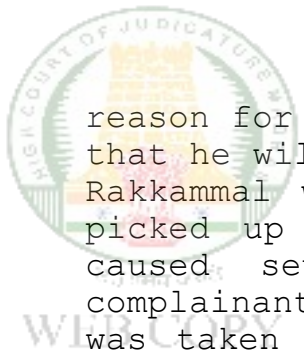
For Anticipatory Bail in Crime No.48 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 143, 294(b), 302, 114 IPC, in Crime No.48 of 2022, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution in brief is as follows:

The defacto complainant lodged a complaint stating that one Moorthy was married to Solaimani and he is the close relative of the defacto complainant. The defacto complainant is the brother of deceased. For about two months, there was matrimonial issue between Moorthy and Solaimani and they separated. Rakkammal was helping the above said Solaimani. The Moorthy doubted that Rakkammal is the



reason for the separation of his wife. On 12.03.2022, Moorthy stated that he will kill Rakkammal. On the same day, at about 6:15 PM when Rakkammal was in front of her house Moorthy along with A2 to A5, picked up quarrel and at the instigation of co-accused, Moorthy caused severe assault to Rakkammal. On seeing the defacto complainant's neighbours, Moorthy and others ran away. The injured was taken to hospital and on the way to hospital she died. Based upon which, the present case has been registered. Seeking anticipatory bail, this petition has been filed by the petitioner.

3.The petitioners are arrayed as A2 and A3 in this case and they had already filed bail petition in Crl.MP.No.1683 of 2022, before the District Judge, Virudhunagar and that was dismissed. After that the present petition has been filed, on the ground that no specific overt act against the petitioners and only a bald allegation has been made.

4.Heard both sides. It is a case of gruesome murder. The deceased was severely assaulted with Aruval and sustained 11 injuries. The murder has been taken place, due to the doubt in the mind of first accused and there is specific allegation to the fact that this petitioner also present before the occurrence, picked up quarrel with the deceased and only on the instigation and abetment, the first accused caused death to the deceased. Considering the fact that it is a case of murder, unless the petitioners are able to bring on record sufficient material, they are not entitled for discretionary relief of this Court.

5.As mentioned above, there is specific allegation to the fact that these petitioners are present in the scene of crime and abetted the gruesome murder. Simply because the co-accused viz., A1, A4, A5 were arrested and remanded to custody and the accused No.4 and 5 were released on bail on 02.06.2022, the discretionary relief cannot be extended to the petitioners.

6.Considering the gravity of offence, the manner in which the occurrence took place, this Court is not inclined to enlarge the petitioners on bail and this petition deserves to be dismissed.

7.Accordingly, this Criminal Original Petition stands dismissed.

sd/-

08/08/2022

/ TRUE COPY /

/08/2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1. THE INSPECTOR OF POLICE,
THIRUCHULI POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

+1. CC to M/S. AJMAL ASSOCIATES Advocate SR.No.36972 (F) .

ORDER

IN

CRL OP (MD) No.13600 of 2022

Date :08/08/2022

PNM

USK/VR/SAR-II/18.08.2022/3P/4C