



CRL OP(MD). No.8488 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/06/2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.8488 of 2024

1. Kamatchi,

2. A.Kamatchi,

3. Prabakar Gunasekaran,

... Petitioners/Rank Not Known

Vs

The Inspector of Police,
Thenkarai Police Station,
Theni District.

Cr.No.434 of 2023.

... Respondent/Complainant

For Petitioners : Mr.K.ALTHAF SHERIFF, Advocate.
for M/s.Ajmal Associates,

For Respondent : Mr.P.KOTTAI CHAMY,
Government Advocate (CrI.Side)

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

PRAYER :- For Anticipatory Bail in Crime No.434 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The respondent police registered a case as against the petitioners in Crime



CRL OP(MD). No.8488 of 2024

No.434 of 2023 for the offence under Sections 143, 201, 506(i), 302, 376 and 511 I.P.C.

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Therefore, the petitioners have filed this petition seeking anticipatory bail.

2. The petitioners are arrayed as A7 to 9. The first petitioner is the Contractor of Crematorium and the second petitioner is the Supervisor and the third petitioner is the staff of Crematorium.

3. The allegation as against the petitioners is that in order to conceal a murder committed by A1, the petitioners have helped the accused to burn the dead body against the procedure contemplated for the same.

4. The learned counsel for the petitioners submits that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submits that the petitioners are only the employees of the Crematorium and they have nothing to do with the offence. They have burn the body only after obtaining signature of A2, who is the relative of the deceased. It is only an usual process on which the dead body was burn and they are not aware about the incident took place in this case. Hence, he prays for grant of anticipatory bail to the petitioners.



CRL OP(MD). No.8488 of 2024

WEB COPY

5. The learned Government Advocate (Crl. Side) appearing for the respondent submits that the deceased is a Widow, who is a relative of A1 and A3. The Widow along with her child was in asylum with the accused family. On the date of occurrence, A1 in a fully drunken mood attempted to have a physical contact with the deceased and the deceased prevented it and raised Alarm. In order to prevent her from raising alarm, the accused has strangled her neck and also killed the deceased. On hearing the noise, the child of the deceased, who is aged about 9 years, has gone and saw her mother bleeding in her nose and her clothes was in improper manner. The investigation officer has produced the child before the Judicial Magistrate and the statement of the child has been recorded under Section 164 Cr.P.C

6. The occurrence took place on 09.10.2023 at about 11.00 pm and it appears, the accused in a hurried manner has disposed the body in Cremation. There are certain procedures for cremating the bodies. The first petitioner, who is the contractor, should ascertain whether it is a natural death and ascertain the certificate of the V.A.O of the respective village and the certificate of the Doctor. However, in this case, by obtaining a consent letter from A2, who is no way connected with the deceased, cremated the body at about 06.00 am. As per the procedure contemplated,



CRL OP(MD). No.8488 of 2024

the cremation of bodies should take place only between 07.00 and 07.00 pm. The petitioners herein / accused knowing that the other accused are not having other documents have helped them for cremating the body.

7. Considering the materials placed before this Court as against the petitioners, this Court is not inclined to grant anticipatory bail to the petitioners.

8. Hence, this Criminal Original Petition is dismissed.

sd/-
12/06/2024

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/07/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

LS
TO
1 THE INSPECTOR OF POLICE,
THENKARAI POLICE STATION,
THENI DISTRICT.

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

+1 CC to M/s.M/S.AJMAL ASSOCIATES, Advocate (SR-6423[I] dated 13/06/2024)



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CRL OP(MD). No.8488 of 2024

ORDER

IN

CRL OP(MD) No.8488 of 2024

Date :12/06/2024

SA/GS/SAR. /03.07.2024/5P/4C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.