



Crl.O.P.(MD)No.14134 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.08.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.14134 of 2024

1.Azhaguthai

2.Pandiayammal

... Petitioners

Vs.

1.The Deputy Superintendent of Police,
Peraiyur,
Madurai District.

2.The State represented by
The Inspector of Police,
V.Chathirapatti Police Station,
Madurai District.
(Crime No.10 of 2024)

3.Karuppaiah

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to direct the III Additional District and Sessions Judge, Special Act Cases, PCR, Madurai to consider the bail application to be filed by the petitioners on the same day for their surrender in Crime No.10 of 2024 on the file of the second respondent police.



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For Petitioners : M/s.M.Kamatchi
For R1 & R2 : Mr.P.Kottai Chamy
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed, invoking Section 528 B.N.S.S., seeking orders to direct the learned III Additional District and Sessions Judge, Special Act Cases, PCR, Madurai to accept surrender of the petitioners and consider their bail application on the same day and merits in relating to Crime No.10 of 2024 on the file of the respondent police.

2. The petitioners are the accused for the offence punishable under Section 302 IPC @ Sections 147, 148, 120B, 302 IPC r/w Section 3(2)(v) of the SC/ST Act, 2015 in Crime No.10 of 2024, pending on the file of the second respondent police and apprehending arrest, they have filed the present petition.

3. No doubt, the petitioners' earlier petition was dismissed by this Court in Crl.O.P.(MD)No.11819 of 2024 vide order dated 26.07.2024.



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4. When the matter is taken up for hearing today, the learned Government Advocate (Criminal Side) appearing for the respondents 1 and 2 would submit that the second petitioner has already been arrested and is in custody.

5. The learned counsel appearing for the petitioners would submit that the petitioners' name does not find place in the FIR and they were implicated only on the basis of the confession alleged to have been taken from the co-accused.

6. The learned Government Advocate (Criminal Side) appearing for the respondents 1 and 2 would submit that since the deceased was in love with the first petitioner's daughter, the accused persons including the petitioners had brutally killed the deceased and that investigation is pending.

7. Just because the petitioners' name does not find place in the FIR, that by itself, is not a ground to issue any direction at this stage.



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8. Considering the nature and seriousness of the offence and also the fact that the first petitioner is the mother of the girl, this Court is not inclined to grant any relief.

9. In the result, this Criminal Original Petition stands dismissed.

28.08.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
csm

To

- 1.The Deputy Superintendent of Police,
Peraiyur,
Madurai District.
- 2.The Inspector of Police,
V.Chathirapatti Police Station,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

csn

Order made in
Crl.O.P.(MD)No.14134 of 2024

Dated: 28.08.2024