



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

Thursday, the Twelfth day of February Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.1238 of 2015

V. BALASUBRAMANIAN

... PETITIONER / SOLE ACCUSED

Vs

THE STATE REP. BY THE INSPECTOR OF POLICE
PALAYAMKOTTAI POLICE STATION, PALAYAMKOTTAI,
TIRUNELVELI CITY, CRIME NO.22/2015 ... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.T.A.EBENZER Advocate

For Respondent : Mr.A.P.Balasubramani Government Advocate (Crl. Side)

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

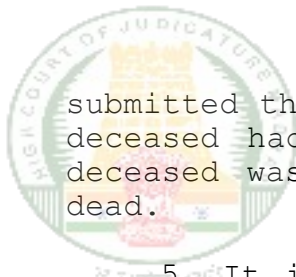
ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b) and 302 IPC in Crime No.22 of 2015 on the file of the respondent police, seeks anticipatory bail.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the State.

3. Police have filed its status report in which they have stated as follows:

"3. It is humbly submitted that the prosecution case is that the deceased Thiru Inbaraj was acting as agent of Madurai based MRDT Finance Company having its branch office at Vannarpettai, Palayamkottai. The petitioner herein has joined as customer in the company through the deceased Inbaraj and deposited some amount for getting monthly based interest etc. The company was in the practice of giving Rs.8,000/- for 36 months for every deposit of one Lakh. On completion of the 36th month, the deposit would be lapsed. It is submitted that due some financial crisis, the company has announced that the giving of Rs.8000/- would be restricted to 24 months instead of 36 months for which the company had arranged a meeting of customers at the branch office at Vannarpettai on 09.01.2015 evening. While the meeting was going on, there arose a quarrel between the petitioner and the deceased which escalated up to the further quarrel and attack on the deceased by the petitioner at about 20.00 hours on 09.01.2015 in front of their house at Kakkan Nagar, Palayamkottai. It is



submitted that due to the attack of the petitioner with hand and legs, the deceased had sustained external and internal injuries, fallen down. The deceased was immediately removed to the hospital, where he was declared dead.

5. It is submitted that it is true that the petitioner has not used any weapon but the post mortem report says that deceased had sustained abrasions in the right side of the chest, back of right elbow and in the back of left elbow and sustained internal injuries - right dome of diaphragm found torn, right lobe of liver shows laceration in its upper part and the peritoneal cavity contained clotted blood of about 800 gms in its right side. Therefore the heart and other viscera have been preserved for chemical analysis and the report is awaited."

4. Learned counsel for the petitioner submitted that even according to the eye witness, the petitioner has only assaulted the deceased by hands and the deceased died out of heart-attack. Learned counsel for the petitioner further submitted that the petitioner is an Advocate.

5. This Court called for the Postmortem report and found the following antemortem injuries:

- "1) Fresh abrasion of size 7x4cm seen in right side of chest
- 2) Fresh abrasion of size 4x1cm seen in back of right elbow
- 3) Fresh abrasion of size 1x1cm seen in back of left elbow.

On dissection of Thorax & Abdomen; Right thoracic cavity contains blood clot of about 700gms. Right dome of diaphragm found torn. Right lobe of liver shows laceration of size 4x2x2cm in its upper part. Peritoneal cavity contains clotted blood of about 800 gms in its right side."

6. Injuries found therein tally with the eye witness's account of the incident, namely the petitioner was repeatedly punching the deceased with his elbow, after the deceased had fallen. The deceased appears to have died en route to the hospital itself. Thus, taking into consideration the serious nature of the allegations against this petitioner, this is not a fit case to grant anticipatory bail to the petitioner. Hence, the Criminal Original Petition is dismissed.

sd/-
12/02/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO
1 THE INSPECTOR OF POLICE, PALAYAMKOTTAI POLICE STATION, PALAYAMKOTTAI,
TIRUNELVELI CITY,
2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.T.A.EBENZER Advocate SR.No.6817.

TS/16.02.2015/2P-4C