



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

Tuesday, the Fifth day of September Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.10862 of 2017

RAMESH,

... PETITIONER / SOLE ACCUSED

Vs

THE STATE REPRESENTED BY,
THE INSPECTOR OF POLICE,
RAMESWARAM TOWN POLICE STATION,
RAMANATHAPURAM DISTRICT.
(CRIME NO.164 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.D.BALAMURUGAPANDI Advocate

For Respondent : Mr.A.RAMAR, Additional Public Prosecutor.

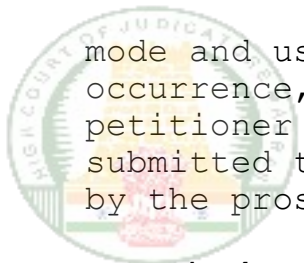
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner / sole accused who was arrested on 23.07.2017 for the offences punishable under Sections 294(b), 324 @ 302 of IPC in Crime No.164 of 2014 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the deceased went to the house of the accused on 17.07.2017 since, the accused abused the deceased on earlier occasion and there was a wordy quarrel arose on that date and the petitioner is said to have stabbed with scissors on the left side of the stomach and right side of the chest and on the back side of the deceased. Hence, the deceased was admitted in the hospital and he died on 23.07.2017 at Government Hospital, Ramanathapuram.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the deceased was living a life as an antisocial ailments and frequently quarrelled with the travellers and the passers on the petitioner's street as well as the Rameshwaram bus stand and railway junction and he is always drunken



mode and using kanja. He further submitted that on the date of occurrence, the deceased misbehaved with the family members of the petitioner as well as the neighbours of the petitioner. He also submitted that the petitioner did not commit any offence as alleged by the prosecution.

4. The learned Additional Public Prosecutor on instructions submitted that petitioner is the sole accused in this case and he was arrested and remanded to judicial custody on 23.07.2017. He further submitted that earlier case was registered under Section 294 (b), 324 of IPC as per the complaint given by the brother of the deceased in this case and while deceased was died in the hospital on 23.07.2017, the Sections were altered into 302 IPC inclusively. He also submitted that investigation is still pending.

5. Considering the facts and circumstances of the case and considering the fact that on 17.07.2017 petitioner is said to have stabbed with scissors and caused injury in the abdomen and the chest of the deceased and the case was initially registered under Sections 294(b) and 324 of IPC and thereafter, after the demise of the deceased the Section altered into 302 IPC inclusively and investigation is still pending and also the overt act of the petitioner alleged by the prosecution, this Court is not inclined to grant bail to the petitioner at this stage. Accordingly, this petition is dismissed.

sd/-
05/09/2017

/ TRUE COPY /

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

TO

- 1 THE INSPECTOR OF POLICE,
RAMESWARAM TOWN POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 2 THE OFFICER INCHARGE
DISTRICT JAIL,
RAMANATHAPURAM DISTRICT
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.10862 of 2017
Date : 05/09/2017