



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

Wednesday, the Nineteenth day of July Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.9219 of 2017

ARUN

... PETITIONER / ACCUSED NO.1

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
PANAGUDI POLICE STATION,
TIRUNELVELI DT.
CRIME NO.195/2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.C.CHRISTOPHER Advocate

For Respondent : MR.A.RAMAR Additional Public Prosecutor

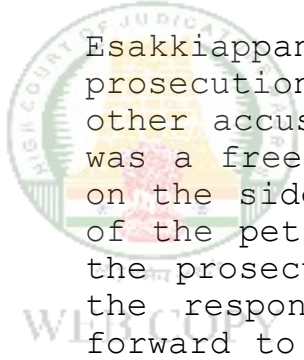
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner / Accused No.1, who was arrested and remanded to judicial custody on 02.06.2017 for the offences punishable under Sections 147,148,294(b),323,324,307, 302 and 506(ii) IPC in Crime No.195 of 2017 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that there was a Santhanamariamman temple at Nerungi Colony and the de facto complainant is the poojari of the said Temple and that there was a wordy quarrel between the de facto complainant and the accused in this case. The petitioner along with other accused are said to have attacked the de facto complainant and one Mukesh Kannan and Esaikiappan and caused injuries. Because of the attacked upon one Raja, the said Raja died in the hospital. On complaint, a case was registered at the first instance for the offences under Sections 147,148,294(b),323,324,307 and 506(ii) IPC and subsequently, on the death of the said Raja in the hospital, Sections altered into 147,148,294(b),323,324,307, 302 and 506(ii) of IPC.

3.The learned counsel appearing for the petitioner states that on the date of occurrence the petitioner went to the temple premises along with A2, who is the paternal uncle's son of A1, for the purpose of witnessing the cultural program and at that time, the petitioner's relative A9 / Murugesan was dancing, the same was objected by the prosecution party and then, there was a quarrel between A1, A2 and the de facto complainant viz., Mukesh Kannan and



Esakkiappan. At that time, A2 was seriously attacked by the prosecution party. On seeing the attack of A2, the petitioner and other accused intervened and tried to save A2. At that time, there was a free exchange of blows between the groups and unfortunately, on the side of the prosecution party one person died. On the side of the petitioner, A1 to A5 were seriously injured at the hands of the prosecution party. The petitioner preferred the complaint to the respondent police, but, the respondent police did not come forward to register a counter complaint, as against the prosecution party. He would further state that co-accused were already granted anticipatory bail by this Court.

4. The Additional Public Prosecutor appearing for the respondent would submit on instructions that there are totally twelve accused in this case and the petitioner herein is arrayed as A1 in this case. He would further state that the specific overt act attributed towards the petitioner herein is that during the occurrence, the petitioner herein is said to have attacked the de facto complainant with "Mathukkattai" and thereafter, attacked the said Raja on his head and caused injuries and the said Raja was brought to the hospital and he died there. He would further state that the injured during the occurrence were discharged from the hospital and the investigation is still pending.

5. Considering the facts and circumstances of the case and also the specific overt act attributed against the petitioner during the occurrence upon the deceased, this court is not inclined to grant bail to the petitioner at this stage. Accordingly, this Criminal Original Petition is dismissed.

sd/-
19/07/2017

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

TO

- 1 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
- 2 THE INSPECTOR OF POLICE,
PANAGUDI POLICE STATION, TIRUNELVELI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.9219 of 2017
Date :19/07/2017