

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.05.2020

CORAM:

**THE HONOURABLE MS.JUSTICE V.M.VELUMANI**

Crl. O.P. No.7812 of 2020

S. Selva Ganesh,  
S/o. Soma Sundaram,  
No. 16/A, Poongavanamman Koil Street,  
Rangapuram,  
Vellore,  
Vellore District.

.. Petitioner/ 1<sup>st</sup> Accused

Vs.

The State rep. by its  
The Inspector of Police,  
Sathuvachari Police Station,  
Vellore District.

[Crime No. 132 of 2020]

.. Respondent/ Complainant

**Prayer:** Criminal Original Petition filed for anticipatory bail under Section 438 of Criminal Procedure Code.

For Petitioner

: Mr. Ajith Kumar  
for Mr. M. Sathish Kumar

For Respondent

: Mr. M. Jothikumar  
Additional Public Prosecutor

## **ORDER**

The petitioner, who apprehends arrest at the hands of the respondent police for alleged offence punishable under Sections 147, 294(b), 323, 506 (i) and 302 of I.P.C., in Crime No. 132 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that, on 10.03.2020, there was a dispute between the de-facto complainant and the petitioner/A1. The de-facto complainant's brother came to her house for mediation. At that time, the accused persons, including the petitioner assaulted the de-facto complainant's brother and he fell down. The petitioner and other accused ran away from the place of occurrence. The de-facto complainant's brother died due to the injuries caused by the petitioner and other accused. On complaint, a case has been registered against the petitioner under Sections 147, 294(b), 323, 506 (i) and 302 of I.P.C.

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3. The learned counsel appearing for the petitioner submitted that the petitioner and the de-facto complainant were married 20 years back and

family dispute continued between them for two decades. For the sake of two children, the petitioner tolerated all the things. There was a mediation in the month of November 2019 and after some time, again the dispute arouse. On 10.03.2020, there was a wordy quarrel between the petitioner and the de-facto complainant. The de-facto complainant's brother and others came for mediation. At the time of wordy quarrel, the de-facto complainant's brother and others tried to assault the petitioner. The de-facto complainant's brother was in drunken mood and he fell down. The petitioner took him to the nearby Hospital and on their advise, he was taken to C.M.C Hospital, where he was declared dead. The petitioner was not having any intention to murder the de-facto complainant's brother. The accused A2 to A4 surrendered and subsequently, A2 and A3 were enlarged on bail by this Court by order dated 28.04.2020 in Crl. O.P. No. 7279 of 2020 and hence, prayed for granting anticipatory bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police submitted that the petitioner and other accused assaulted the de-facto complainant's brother. The petitioner kicked the de-facto

complainant's brother in his chest and threw him down. Due to the injuries sustained in the attack, he died. The investigation is pending, the petitioner is absconding and hence, he vehemently opposed for granting anticipatory bail to the petitioner.

5. Heard the learned counsel appearing for the petitioner as well as the learned Additional Public Prosecutor appearing for the respondent Police and perused the materials available on record.

6. Considering the serious nature of offence under Sections 147, 294(b), 323, 506 (i) and 302 of I.P.C., the allegation that the petitioner assaulted the deceased and kicked him in chest and the fact that the investigation is pending, this Court is not inclined to grant anticipatory bail to the petitioner.

7. Accordingly, this Criminal Original Petition stands dismissed.

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26.05.2020

Index : Yes / No

gsa

To

1.The Inspector of Police,  
Sathuvachari Police Station,  
Vellore District.

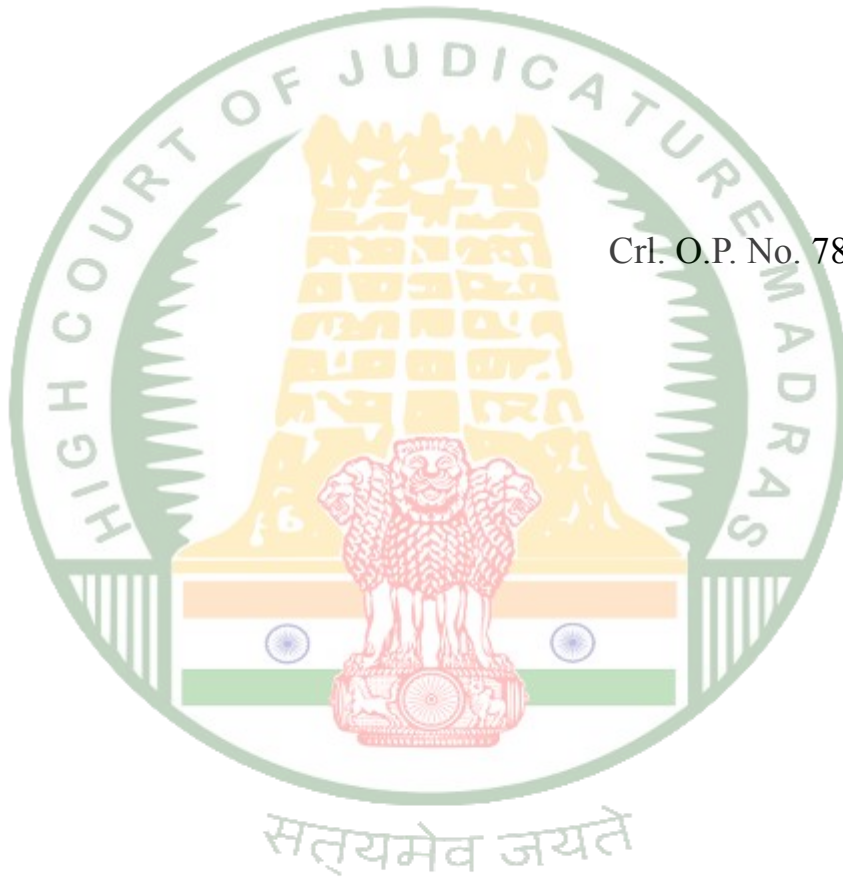
2.The Public Prosecutor,  
High Court, Madras.



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**V.M.VELUMANI, J.,**

gsa



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