

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.05.2020

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Crl. O.P. No.7819 of 2020

1.Ravi @ Ravikumar,
S/o. Subramani.

2.Santhi,
W/o. Ravikumar.

Petitioners 1 and 2 are residing at
No.6/16, Subramaniya Kovil Street,
Thorapadi, Vellore Taluk,
Vellore District.

.. Petitioners/ A5 & A6

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

For Respondent : Mr. M. Jothikumar
Additional Public Prosecutor

ORDER

The petitioners, who apprehend 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, seek anticipatory bail.

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

3. The learned counsel appearing for the petitioners submitted that there was family dispute between the de-facto complainant and her husband, A1. The de-facto complainant's brother came for mediation. The petitioners and others also went there. At that time, the de-facto complainant asked her brother to assault her husband, A1. The de-facto complainant's brother was in drunken mood and he fell down. The petitioners only took him to the nearby Hospital and on their advise, taken to C.M.C Hospital, where he was declared dead. The petitioners were not having any intention to murder the de-facto complainant's brother. The petitioners are law abiding citizens. 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 petitioners and other accused assaulted the de-facto complainant's brother and due to the injuries sustained in the attack, he died. The investigation is pending, the petitioners are absconding

and hence, he vehemently opposed for granting anticipatory bail to the petitioners.

5. Heard the learned counsel appearing for the petitioners 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 petitioners assaulted the deceased 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.

26.05.2020

Index : Yes / No
gsa

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To

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

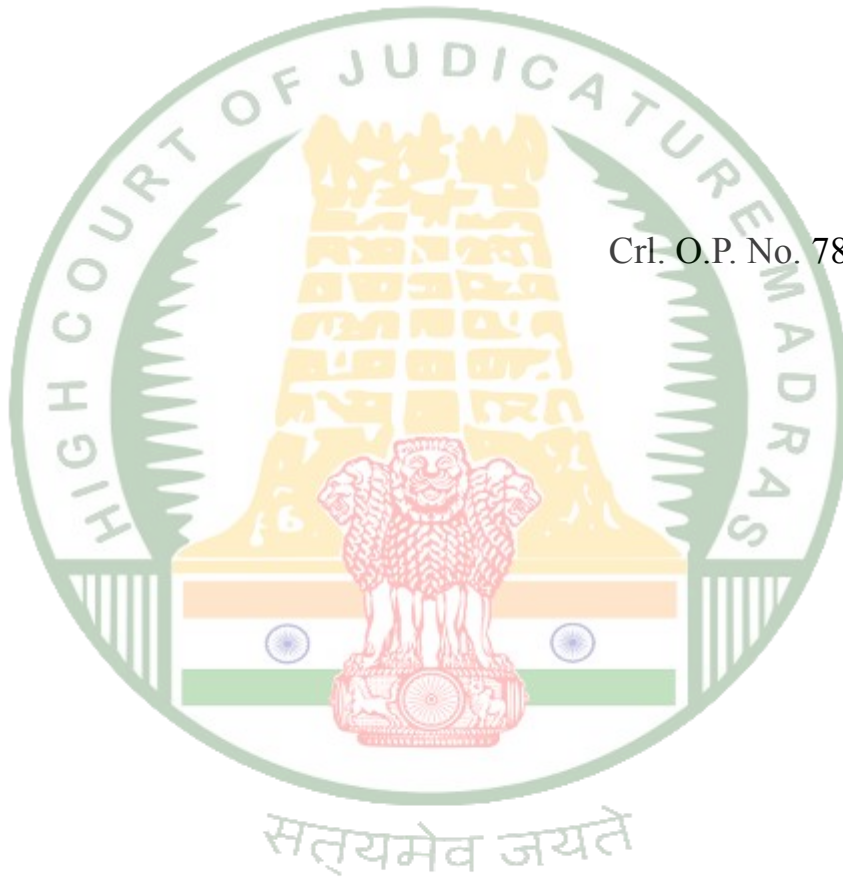
2.The Public Prosecutor,
High Court, Madras.



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V.M.VELUMANI, J.,

gsa



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