

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No. 15987 of 2020

1.Chinnakannu

2.Mangammal

... Petitioner/Accused

Vs.

The State represented by,
The Inspector of Police,
Pochampalli Police Station,
Krishnagiri District.
[Crime No.489 of 2020]

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioners on anticipatory bail in the event of their arrest by the respondent police in Crime No. 489 of 2020, on the file of the respondent police.

For Petitioners : Mr.P.M.Duraisamy

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 324 and 506(i) of IPC and subsequently altered into Sections 294(b) and 302 of IPC in Crime No.489 of 2020, on the file of the respondent, seek anticipatory bail.

2 The case of the prosecution as per the defacto complainant is that there was a dispute between the family of the defacto complainant and the family of the accused in respect of a pathway and that on 25.07.2020 at about 9.30 p.m., the defacto complainant's wife Yasodha and the mother of the petitioner had quarrelled and ended into a fight. During the fight, the petitioner had pushed the wife of the defacto complainant and when she fell down, the petitioner had kicked on her stomach due to which, she sustained internal injuries. Initially, she was taken to primary health centre and thereafter, she was shifted to Uthangarai Government Hospital and from there, she was shifted to Krishnagiri Government Hospital and thereafter she was

shifted to Mohan Kumaramangalam Hospital, Salem, and from there she was shifted to Government Hospital Coimbatore, where she breathed her last on 21.08.2020. Originally the case was registered for offence under Sections 294(b), 323, 324 and 506(i) of IPC and later altered into Sections 294(b) and 302 of IPC. Hence, the complaint.

3 The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case due to land dispute. Hence, he prays to grant anticipatory bail to the petitioners.

4 The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners along with other accused had trespassed into the house of the defacto complainant, since the defacto complainant is not available in his house, the accused have abused and assaulted the wife of the defacto complainant and thereby, she has sustained serious injuries and died after some time. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5 Heard both the learned counsels and perused FIR and other materials placed on record.

6 Taking into consideration of the facts and circumstances of the case, submissions made by the learned counsel and also considering the nature of the offence, this Court is not inclined to grant bail to the petitioners. Accordingly, this Criminal Original Petition stands dismissed.

-sd/-
29/10/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

सत्यमेव जयते
Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

WEB COPY

TO

1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE,
POCHAMPALLI,
KRISHNAGIRI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

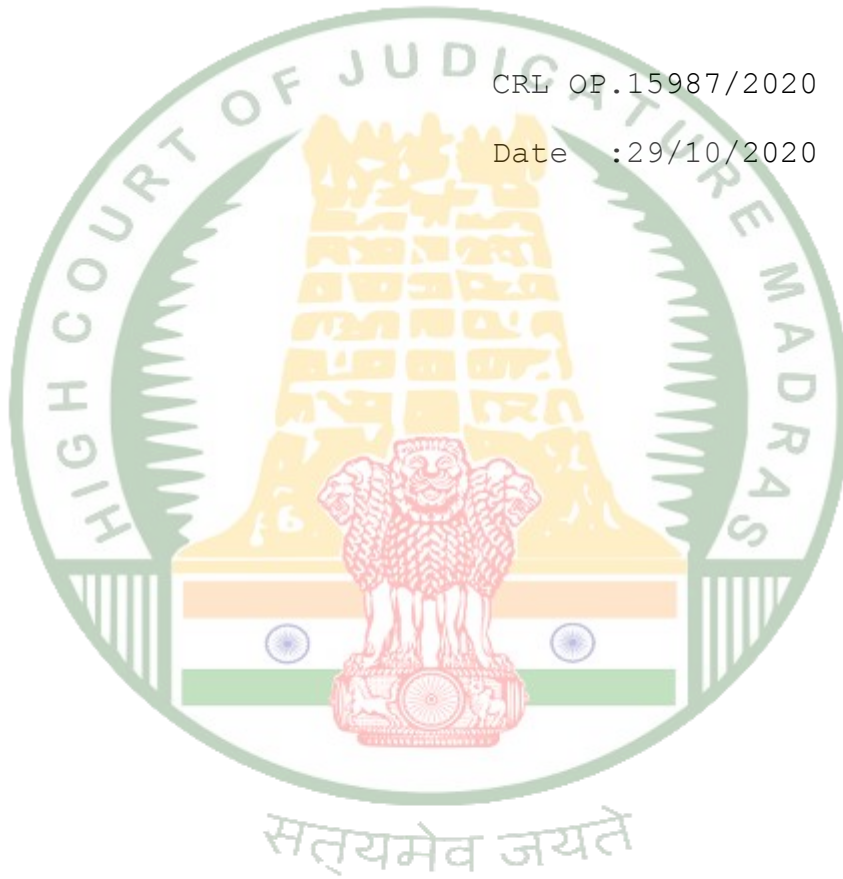
4 THE INSPECTOR OF POLICE,
POCHAMPALLI POLICE STATION,
KRISHNAGIRI DISTRICT.

CC to M/S. P.M.DURAI SWAMY Advocate on payment of necessary
charges

CRL OP.15987/2020

Date :29/10/2020

cs 06/11/2020



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