

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No. 15953 of 2020

K.Ayothi Raman

... Petitioner/Accused

Vs.

The State represented by,
The Inspector of Police,
Attur Police Station, Salem,
Tamilnadu.
(Crime No. 356 of 2020)

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No. 356 of 2020, on the file of the respondent police.

For Petitioner : Mr.R.Selvabharathi

For Respondent : Mrs.S.Thankira
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 02.09.2020 for the offences punishable under Sections 294(b), 307 and 506(ii) of IPC and altered to one under Section 302 of IPC, in Crime No. 356 of 2020 on the file of the respondent police, seeks bail.

2 The case of the prosecution as per the defacto complainant is that on 18.08.2020 at about 09.00 p.m., the defacto complainant and his relative one Ilanthendral were returning to his home and while they were coming near Aavin Milk Society, which is situated near Poultry Farm Bus-stop, the petitioner and his associate were lying on the middle of the road in a drunken mood and when the defacto complainant has questioned them, wordy quarrel arose between the parties. Thereafter, the petitioner had gone to the defacto complainant's house at 10.00 p.m., and had abused the defacto complainant with filthy language and when it was questioned by the defacto complainant's father, the petitioner had abused him in filthy language and attacked him with iron rod and when the defacto complainant intervened, the petitioner had attacked him also with iron rod and threatened them with dire consequences. Thereafter, the injured persons have been admitted in the hospital and during the course of the treatment, the defacto complainant's father died. Hence, the complaint.

3 The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would submit that it is a case and case in counter and on the complaint given by the petitioner, a case was registered in Crime No. 357 of 2020 for the offences under Sections 294(b), 324 and 502(ii) of IPC. He would submit that the originally a case was registered only for the offence under Section 307 of IPC and later, the defacto complainant's father succumbed to injuries and thereby, the case was altered to one under Section 302 of IPC. He would further submit that the petitioner was arrested on 02.09.2020 and he is in custody for the past 36 days. Hence, he prays to grant bail to the petitioner.

4 The learned Government Advocate (Crl.Side) appearing for the respondent would submit that it is a case where the petitioner and his associate were lying on the middle of the road in a drunken mood and when it was questioned by the defacto complainant, the petitioner had gone to the house of the defacto complainant and assaulted the defacto complainant and his father with iron rod, due to which, the defacto complainant and his father have sustained injuries, later the father of the defacto complainant succumbed to the injuries. He would submit that the petitioner has been arrested very recently on 02.09.2020 and that the investigation is at initial stage. Hence, he vehemently opposed to grant bail to the petitioner.

5 Taking into consideration of the facts and submissions made by the learned counsels and considering the fact that the petitioner has been arrested very recently on 02.09.2020 and that the investigation is at initial stage, this Court is not inclined to grant bail to the petitioner for the present. Hence, this Criminal Original Petition stands dismissed for the present.

-sd/-

08/10/2020

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

TRUE COPY

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

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, ATTUR, TAMIL NADU

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

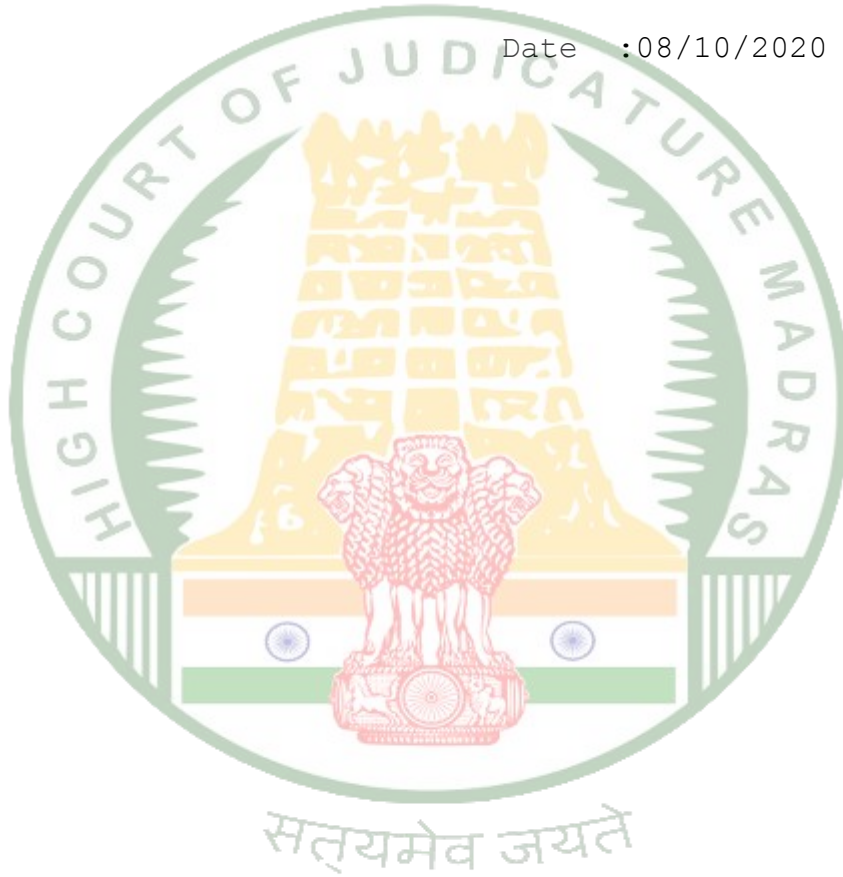
3 INSPECTOR OF POLICE,
ATTUR POLICE STATION,
SALEM.

CC to M/S.R.SELVABHARATHI Advocate on payment of necessary
charges

CRL OP.15953/2020

Date :08/10/2020

RVR 12/10/2020



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