



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

Wednesday, the Twenty Second day of April Two Thousand Twenty

PRESENT

The Hon`ble Mr.Justice P.VELMURUGAN

CRL OP(MD) No.5268 of 2020

Arivazhagan @ Arivalagan

... PETITIONER / ACCUSED No.1

Vs

The State rep.by
The Inspector of Police,
Kollidam Police Station, Trichy District.
(In Crime No.50 of 2020)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S. S.M.A.JINNAH, Advocate

For Respondent : Mr.S.CHANDRASEKAR, Additional Public Prosecutor

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

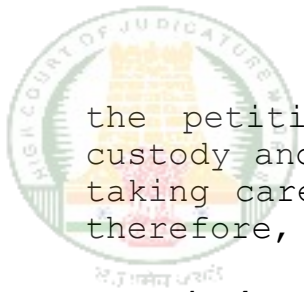
ORDER : The Court Made the following order :-

The petitioner is arrayed as the first accused/A1, who was arrested and remanded to judicial custody on 06.03.2020 for the alleged offences punishable under Sections 294(b), 324 and 307 IPC @ 302 IPC, in Crime No.50 of 2020, on the file of the respondent police and hence, seeks bail.

2.The case of the prosecution is that due to previous motive between the petitioner and the de-facto complainant's elder son viz., Naveen Kumar, the petitioner assaulted the said Naveen kumar with aruval on the backside of his head.

3.The learned counsel appearing for the petitioner submitted that the deceased is an aggressor and on the date of occurrence, the deceased only came to the house of the petitioner and attacked the petitioner and his brother/A2 with deadly weapons. Due to which, A2 sustained grievous injuries and still he is in hospitalized. He further submitted that there is a case of case in counter against the deceased in Crime No.49 of 2020 and both were admitted in the hospital and the deceased died during the treatment. Pursuant to

<https://hcservices.courts.gov.in/hcservices/> the case has been altered into 302 IPC. A2 is the brother of



the petitioner/A1 and he was arrested and remanded to judicial custody and A2 is still hospitalized and the petitioner alone is taking care of A2 and he is only the breadwinner of his family and therefore, bail may be granted to the petitioner.

4. The learned Additional Public Prosecutor appearing for the State submitted that due to land dispute, a case was registered against the deceased in Crime No.32 of 2018 for the alleged offences under Sections 294(b), 324 and 506(ii) IPC. During the pendency of the case, the petitioner has assaulted the deceased with aruval and a case was registered in Crime No.50 of 2020 for the offences under Sections 294(b), 324 and 307 IPC and subsequently, during the treatment the deceased died. Therefore, the section was altered into 302 IPC. Due to Coronavirus restrictions, A2 is still hospitalized and he is yet to be arrested. If the petitioner is released on bail, the family members of the deceased will try to take revenge once again law and order problem will arise. Therefore, the learned Additional Public Prosecutor strongly opposed for granting bail to the petitioner.

5. I have heard both sides and perused the records.

6. Admittedly, the case was registered against the petitioner for offence under Sections 294(b), 324 and 307 IPC and subsequently, during the treatment, the deceased died, the case was altered into 294(b) and 302 IPC. Due to previous motive and enmity there was an attack and counter attack between the petitioner and the deceased, on 01.03.2020 the case was registered against the petitioner in Crime No.50 of 2020 and there was a case of case in counter against the deceased in Crime No.49 of 2020 and since there was an enmity between the petitioner and the deceased family from the year 2018, if the petitioner is released on bail, the family members of the deceased will try to take revenge and further law and order problem will arise during the 144 proceeding prevailing in the State.

7. Considering the facts and circumstances of the case and also considering the gravity of the offence, this Court is not inclined to grant bail to the petitioner.

8. Accordingly, this petition is dismissed.

sd/-

22/04/2020

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



TO

1 THE SUPERINTENDENT,
CENTRAL PRISON, TIRUCHIRAPPALLI.

2 THE INSPECTOR OF POLICE,
KOLLIDAM POLICE STATION,
TRICHY DISTRICT.

3 ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.5268 of 2020

Date :22/04/2020

SDS/SKN/SAR-2 (24.04.2020) 3P-4C