



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

Date : 25/09/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.10373 of 2020

S.Vijayakanth

... Petitioner/Accused No.1

Vs

The State rep.by
The Inspector of Police,
Vellanur Police Station,
Pudukottai District.
Crime No.142 of 2020

... Respondent/Complainant

For Petitioner : Mr.P.Ganapathi Subramanian,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :- For Anticipatory Bail in Crime No.142 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner who is arrayed as A-1 apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b), 448, 324, 307, 302 and 506(ii) of IPC, in Crime No.142 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is arrayed as A-1. Earlier, there was a dispute between the deceased family and the petitioner regarding local body election and A-2 in this case is father of this petitioner/A-1 used to abused the deceased frequently, hence, son of the deceased has informed this petitioner to control his father. Subsequently, the petitioner, his father and brother trespassed into the house of the defacto complainant and the petitioner said to have assaulted the defacto complainant with wooden log on head and caused injuries and other petitioners said to have also caused injuries to the defacto complainant and the deceased. Thereafter, the deceased was taken



into the hospital. Initially, the crime was registered for the offences under Sections 294(b), 448, 324, 307, 302 and 506(ii) of IPC, subsequently altered into 302 of IPC. Hence, the present petition has been filed for seeking anticipatory bail.

3. Heard the learned Counsel appearing for the petitioner and the learned Government Advocate (criminal side).

4. The learned counsel appearing for the petitioner would submit the petitioner is practising as Doctor and he is having private clinic and he has been falsely implicated in this case. He would further submit that it is case in counter. Earlier, the petitioner has also sustained injuries, he has also given a counter complaint and the same was registered in Crime No.143 of 2020 and that apart, the occurrence taken place on 30.07.2020 and after eight days the deceased died, due to some other ailments and not due to injuries caused by the petitioner and other accused persons.

5. The learned Government Advocate (Crl. Side) appearing for the respondent police has submitted that the petitioner is a main accused in this case. He further submitted that he along with A-2 & A-3 trespassed into the house of the deceased and assaulted with wooden log and that apart it is also mentioned in the FIR that during the occurrence this petitioner has fall down and sustained injuries. He further submitted that A-2 & A-2 were arrested and still in custody.

6. Considering the rival submissions and considering the fact that the petitioner is A-1 and due to election motive between the parties, all the accused persons said to have entered into the house of the defacto complainant and this petitioner said to have assaulted the deceased and the defacto complainant with wooden log and caused injuries and other accused persons have also assaulted, During the quarrel the petitioner has also sustained injuries, it clearly reveals that the petitioner was also present in the scene of occurrence. That apart other two accused persons are arrested still in custody and hence, this Court is not inclined to grant anticipatory bail.

7. Accordingly, the Criminal Original Petition stands dismissed.

sd/-
25/09/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

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TO

1. THE INSPECTOR OF POLICE,
VELLANUR POLICE STATION,
PUDUKOTTAI DISTRICT.
2. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.10373 of 2020
Date : 25/09/2020

KSA
TK/VR/SAR.2/01.10.2020/3P/3C