



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

Date : 10/11/2020

PRESENT

The Hon`ble Mr.Justice S.M.SUBRAMANIAM

CRL OP(MD) . No.12777 of 2020

Palanivelu

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Sampattividuthi Police Station,
Pudukkottai District.
Cr.No. 322 of 2020.

... Respondent/Complainant

For Petitioner : Mr.R.Maheswaran,
Advocate.

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

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

PRAYER :-

For Bail in Cr.No.322 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Sole accused herein was arrested and remanded to judicial custody on 15.10.2020, for the offence punishable under Sections 294(b), 323, 324, 506(ii) and 302 of IPC, in Crime No.322 of 2020 on the file of the respondent Police, seeks bail.

2.The learned counsel appearing on behalf of the petitioner strenuously contended that the petitioner is an innocent person and he was working supervisor in TASMACH Shop and on account of certain property dispute, a quarrel arose between the petitioner and the deceased. The petitioner was not carrying any deadly weapons or otherwise. Due to old age, the deceased was admitted in the hospital and died.

3.The learned Government Advocate (Crl. Side) appearing on behalf of the respondent Police objected the contention by stating that the petitioner has brutally attacked the deceased, who was aged about 75 years, has sustained injuries and admitted in the hospital, and had taken treatment for about three days and subsequently, died. The case was converted to under Section 302 of IPC and the



petitioner was arrested on 15.10.2020. Thus the petitioner is in prison for short term. The investigation are in progress. Thus it is not preferable to consider the bail petition at this point of time.

4.This Court is of the considered opinion that though there are some contention, which all are to be considered, this Court is of the opinion that the petitioner was arrested on 15.10.2020 and the investigations are in progress, when the investigations are in progress in murder case, it is not preferable to release the petitioner on bail in ordinary circumstances. Only in exceptional circumstances, bail can be granted and not otherwise. Thus releasing the petitioner on bail at this juncture it is not preferable. Hence, this Criminal Original petition is dismissed.

sd/-

10/11/2020

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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.

TO

- 1.THE INSPECTOR OF POLICE,
SAMPATTIVIDUTHI POLICE STATION,
PUDUKKOTTAI DISTRICT.
- 2.THE OFFICER IN-CHARGE,
DISTRICT PRISON, PUDUKKOTTAI DISTRICT.
- 3.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.12777 of 2020

Date :10/11/2020

vsg/dss

PK/AKM/SAR-IV/19.11.2020 : 2P/4C