



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/03/2021

WEB COPY

PRESENT

The Hon'ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.831 of 2021

Vijayakanth

... Petitioner/Accused No.1

Vs

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

... Respondent/Complainant

For Petitioner : Mr.Muthusaravanan.C, Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.142/2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A1, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 448, 324, 506(ii) of IPC @ 294(b), 448, 324, 307, 506(ii) of IPC @ 294(b), 448, 324, 307, 302 and 506(ii) of IPC seeks anticipatory bail.

2. The case of the prosecution is that there was some dispute between the deceased family and the petitioner regarding local body election and A2 in this case is the father of this petitioner /A1 and used to abuse the deceased frequently and also castigating him for not voting who contested in the panchayat election. Hence on 30.07.2020 at about 07.45 the petitioner along with other accused had gone to the house of the deceased abused him and also attacked him with wooden log which was available her and hit the father on his head. A3 also attacked the defacto complainant. A1 and A2 also sustained injuries. A1 again attempted to attack his father, he fell down and sustained injuries. By that time neighbors had come and the petitioner along with other accused had left the scene of occurrence threatening the defacto complainant and his father. The deceased was



taken to Government Hospital, Pudukottai and the respondent police had come there and received the complaint and thereafter the deceased succumbed to injuries.

3. The learned counsel for the petitioner would submit that on 30.07.2020 it is the defacto complainant and his father who have attacked the petitioner and his father brutally with the deadly weapons, thereafter they were admitted in the Government Hospital, Pudukkottai and from there they had also lodged complaint and a case came to be registered in Crime No. 143 of 2020 for the offences under Sections 294(b), 324 and 506(ii) of IPC. Both the occurrence had taken place at the same time and it is a case and case in counter. He would also submit that there are three accused in this case and A2 and A3 in this case were arrested by the respondent police and later let on bail. Investigation in this case is almost completed, hence custodial interrogation of the petitioner is not very much required. Further the petitioner is working in a reputed hospital at Pudukottai and he is reputed surgeon in his field. He would also submit that there is some motive with regard to the panchayat election and due to which the petitioner and his father were assaulted now. He would also submit that the deceased died out of septicemia. Further in this case no deadly weapon was used and it was the defacto complainant who is the aggressor who picked up fight and due to sudden provocation the occurrence said to have taken place. He further submitted that the decease died due to septicemia. The victim was admitted in the hospital on 30.07.2020 and after on weeks he died due to medical complications, hence he seeks anticipatory bail.

4. The learned Government Advocate(Criminal Side) filed a counter and submitted that the petitioner had entered into the house of the defacto complainant attacked the deceased and the defacto complainant. The offence committed by the petitioner is very serious, hence the custodial interrogation of the petitioner is very much required. Further other accused were granted statutory bail The petitioner herein had attacked the deceased with wooden log on his forehead which is also confirmed in the Post Mortem Certificate, hence he opposed to grant anticipatory bail to the petitioner.

5.It is seen that the occurrence said to have taken place on 30.07.2020 and the deceased died on 08.08.2020 due to septicemia. No deadly weapon has been used in this case. From the AR copy and the Post Mortem Certificate it is seen that there are laceration in the forehead and sutures were made and yellowish fowl smelling slough were present on the right side of the skull, a diffuse yellowish fowl smelling pus present over whole of right side of cerebrum, brain soft and edematous and the pathological report shows that the deceased died due to septicemia.

6.Taking into consideration all the above facts and <https://hcservices.mca.gov.in/hcservices/> of the case this Court is inclined to grant



anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Pudukottai on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties, each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police as and when required for interrogation.

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
17/03/2021

/ TRUE COPY /

/ /2021
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 JUDICIAL MAGISTRATE NO.II,
PUDUKOTTAI.

2. -DO- THROUGH: THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI DISTRICT.

3. THE INSPECTOR OF POLICE,
VELLANUR POLICE STATION,
PUDUKOTTAI DISTRICT.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.831 of 2021
Date :17/03/2021

AAV
SRS/SMA/26.03.2021/4P/5C