



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/04/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.6137 of 2021

Sakthivel

... Petitioner/Accused No.A1

Vs

The State Rep. by
The Inspector of Police,
Palayanoor Police Station,
Sivagangai District.
Crime No. 31 of 2021

... Respondent/Complainant

For Petitioner : Mr.Udhayakumar R,
Advocate.

For Respondent : Mr.K.Dinesh Babu,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.31 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.1, who was arrested on 29.03.2021 for the offence punishable under Sections 294 (b), 323, 307 and 506 (ii) of IPC @ Sections 294(b), 323, 506 (ii) and 302 of IPC in Crime No.31 of 2021 on the file of the respondent police, seeks bail.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent police.

3. It is seen from the submissions made that the husband of the defacto complainant belongs to ADMK part. There was previous enmity with one Lakshmanan, who belongs to DMK party, during the election



campaign. On 06.04.2021, at about 04.00 p.m., the accused came, picked up a quarrel and damaged the car INDICA Vista bearing Registration No.TN-59-A-1906. Therefore, the husband of the defacto complainant lodged a complaint. Then, on the very next day, at about 06.30 a.m., when the father-in-law of the defacto complainant, namely, Narayanan and others were talking in front of the house, the accused came there and scolded them in filthy language. When the defacto complainant's father-in-law questioned them as to why they were unnecessarily picking up quarrel, the accused hit him with Jalli stone and caused injury. Also the second accused attacked the defacto complainant's husband with log. Due to the injuries suffered, the defacto complainant's father-in-law succumbed injury. Hence, the complaint.

4.The learned counsel for the petitioner submitted that petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and the petitioner has been falsely implicated in the present case. He further submitted that infact, only the defacto complainant and her associates committed violence against the petitioner and others and therefore, the petitioner and his associates gave a complaint, which was registered in Crime No.30 of 2021 against the defacto complainant and others. Therefore, he seeks bail.

5.The learned Government Advocate (criminal side), on instructions, submitted that there are four accused in this case and the investigation in this case is in preliminary stage. Therefore, he strongly opposes this petition.

6.Considering the facts and circumstances of the case, the fact that this is a murder case, FIR has been registered on the same day of occurrence and the investigation in this case is in preliminary stage, this Court is not inclined to grant bail to the petitioner. Accordingly, this criminal original petition is dismissed.

sd/-

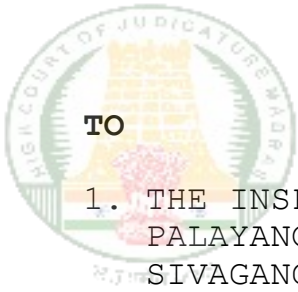
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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,
PALAYANOOR POLICE STATION,
SIVAGANGAI DISTRICT.
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
3. THE OFFICER INCHARGE,
SUB JAIL,
VIRUDHUNAGAR,
VIRUDHUNAGAR DISTRICT.

ORDER
IN
CRL OP (MD) No.6137 of 2021
Date :29/04/2021

SM
TE/VR/SAR-I : 21/05/2021 : 3P/4C