



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/09/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.14330 of 2021

Dharma @ Dharmaraj

... Petitioner/Accused No.1

Vs

The State rep. by
The Inspector of Police,
Somarasampet Police Station,
Trichy District.
(Crime No.678/2021)

... Respondent/Complainant

For Petitioner : M/s.D.S.Haroon Rasheed, Advocate.

For Respondent : M/s.A.Thiruvadi Kumar,
Additional Public Prosecutor

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

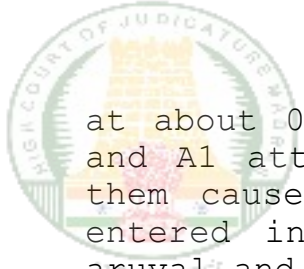
PRAYER :-

For Bail in Crime No.678 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused No.1, apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323, 324, 307 and 506(ii) of IPC r/w Section 4 of TNPHW Act altered into Sections 147, 148, 294(b), 323, 324, 302 and 506(ii) of IPC r/w Section 4 of TNPHW Act, in Crime No.678 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant and the first accused are friends and both are doing the plumbing work. While so, on 26.07.2021 at about 11.00 p.m., A1 visited the house of the defacto complainant and talked with his wife, at that time the defacto complainant warned the accused No.1. To the wreak vengeance, A1 along with other accused joined together on 29.07.2021



at about 09.00 p.m., went to the place of occurrence of Kuditheru and A1 attacked the defacto complainant and his wife and both of them caused injuries. In order to pacify them, one Mugularasan entered into the place of occurrence and A1 assaulted him with aruval and caused injury on his head. As a result of which, he died in the hospital.

3. The learned counsel appearing for the petitioner would submit that this petitioner and the defacto complainant are friends. When a wordy quarrel arose between the petitioner and the defacto complainant, the deceased has intervened and he sustained injury and died. There is no motive between the petitioner and the deceased. Even according to the prosecution, the occurrence had taken place due to sudden quarrel. He further submitted that this petitioner is in judicial custody from 30.07.2021 and the other co-accused A2 & A3 have already been enlarged on bail by this Court in CrI.O.P(MD) No.13698 of 2021 and CrI.O.P(MD)No.12185 of 2021.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that this petitioner is the main accused. This petitioner and the defacto complainant are doing plumbing work. The petitioner has visited the house of the complainant in odd hours, when the complainant was not in the house, and since it was questioned by the complainant, the petitioner went to the house of the complainant with a weapon and has quarrelled and assaulted the deceased, who attempted to pacify the dispute between the complainant and A1.

5. Considering the nature of allegations as against the petitioner and also considering the fact that this petitioner went to the house of the defacto complainant at night time, and later assaulted the deceased, who pacified the dispute and also considering the manner in which the occurrence has taken place, this Court is not inclined to grant bail at this stage.

6. Accordingly, this Criminal Original Petition is dismissed.

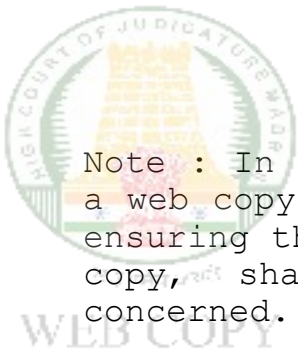
Sd/-

24/09/2021

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Sub-Assistant Registrar (C.S.III)
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,
Somarasampet Police Station,
Trichy District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER
IN
CRL OP (MD) No.14330 of 2021
Date :24/09/2021

SP/VR/SAR III/04/10/2021/3P/3C