



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Fifth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice P. VELMURUGAN

CRIMINAL ORIGINAL PETITION No.10638 of 2022

S.SATHISH

[PETITIONER / ACCUSED]

Vs

THE INSPECTOR OF POLICE
KARIPATTY POLICE STATION,
SALEM DISTRICT.
(CRIME NO.96/2022)

[RESPONDENT]

For Petitioner : MR.T.PERINBANATHAN Advocate

For Respondent : M/S.G.V.KASTHURI Additional Public Prosecutor

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 28.03.2022 for the alleged offence punishable under Sections 294(b) and 307 IPC in Crime No.96 of 2022 on the file of the respondent/police, seeks bail.

2. The case of the prosecution is that there is a family dispute between the de facto complainant and her husband Sathiyamoorthy, while so, the petitioner, who is the cousin of the de facto complainant's husband tried to pacify the issue between them, at that time the de facto complainant's husband attacked the petitioner and dispute arose between the de facto complainant's husband and the petitioner. On 27.03.2022, due to wordy quarrel, the petitioner abused the de facto complainant's husband with filthy language and assaulted him with knife.

3.The learned counsel for the petitioner would submit that the de facto complainant's husband is an aggressor and due to sudden provocation, the petitioner assaulted the victim. The learned counsel would further submit that the petitioner is an innocent person and he has not involved in any case of such offence. He would further submit that the victim has been discharged from the hospital on 14.04.2022



and there is no previous case as against the petitioner. He would further submit that the petitioner is in judicial custody for the past 37 days and therefore, he prays for grant of bail.

4. The learned Additional Public Prosecutor for the respondent would submit that the petitioner was arrested on 28.03.2022 and he is in judicial custody for the past 37 days. She further submitted that since the victim was assaulted with knife he sustained grievous injury, who was admitted in the hospital and discharged on 14.04.2022. She further submitted that the investigation is pending and the charge sheet has not yet been filed.

5. Heard both sides.

6. Admittedly, on 27.03.2022 there was a wordy quarrel arose between the de facto complainant's husband and the petitioner due to family dispute between them and at that time, the petitioner abused the de facto complainant's husband and assaulted him with knife. The victim sustained grievous injury and admitted in the hospital and discharged on 14.04.2022. The petitioner/accused was arrested on 28.03.2022 for the alleged offence punishable under Sections 294(b) and 307 IPC. The petitioner has filed CMP.No.1631 of 2022 before the learned Principal Sessions Judge, Salem and the same was dismissed on 27.04.2022 and hence, the petitioner is before this Court seeking bail.

7. Considering the serious nature of the offence, considering the fact that the victim sustained grievous injury, there is a specific overtact against the petitioner and if the petitioner is enlarged on bail, there is a possibility of tampering witnesses and destroy the material evidence, this Court is not inclined to grant bail to the petitioner.

Accordingly, this Criminal Original Petition is dismissed.

-sd/-

05/05/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.



TO

1 THE PRINCIPAL SESSIONS JUDGE
SALEM.

WEB COPY

2 THE INSPECTOR OF POLICE
KARIPATTY POLICE STATION,
SALEM DISTRICT.

3 THE SUPERINTENDENT
CENTRAL PRISON, SALEM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.T.PERINBANATHAN Advocate on payment of necessary
charges

CRL OP.10638/2022

Date :05/05/2022

CSK 09/05/2022