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Crl.O.P.No. 16471 of 2022

G.K.ILANTHIRAIYAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323, 324, 427, 307 and 506(ii) of IPC on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 20.06.2022 at about 8.30 a.m., the defacto complainant and his brother were doing chilly chicken business by having a road side shop at Thirupur Mangalam Road, Near EXCEL Company, Parappalayam. The deceased viz., Ragupathi, who is the relative of the defacto complainant, was working in the said shop. While they were selling in the shop, one viz., Deivendiran, who was the owner of Sabari Printing Company, came along with his friends and bought chilly chicken from the defacto complainant's shop and ate it by sitting in bricks which dumped nearby for building construction. After eating, they left the plates on the same place. On seeing their action, the deceased Ragupathi insisted them to keep the plates in the shop. At that

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time, the said Deivendiran, who is arrayed as A2, slapped the deceased and the 1st accused took an iron rod from the shop of the defacto complainant and attacked at the back side of Ragupathi's head and they escaped from the place. Due to the said attack, the said Ragupathy sustained grievous injuries and he was taken to the Government Hospital, Tiruppur. Later, he was referred to Coimbatore Government Hospital for further treatment. However, Ragupathi succumbed to his injuries. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he was no way connected with the alleged offence. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that there arose a wordy quarrel between the petitioner and the deceased, due to which the petitioner along with other accused had assaulted the deceased with iron rod and caused grievous injuries to him. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

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5. Initially, the case has been registered for the offence under Sections 294(b), 323, 324, 427, 307 and 506(ii) of IPC. Thereafter, as the injured died in the hospital, the respondent police altered the offence into one under Section 302 of IPC. There are totally four accused, in which the petitioner is arrayed as A4. The petitioner, along with other accused persons, under the insistence of A1, attacked the deceased with iron road and caused grievous injuries. He was admitted in the hospital and later he died. Since the offence registered in one under Section 302 of IPC, the question of the anticipatory bail does not arise as there is a specific overt act alleged against the petitioner.

6. In view of the above, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

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