



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 07/02/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.843 of 2022

Sivalingam

... Petitioner/Sole Accused

Vs

The State Rep. By,
The Inspector of Police,
Salaigramam Police Station,
Sivagangai District.
Cr.No. 187 of 2021.

... Respondent/Complainant

For Petitioner : M/S. AMALAN S.MP.
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

For Intervener : Mr.M.Jagadeesh Pandian
Advocate.

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

PRAYER :-

For Bail in Crime No.187 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 07.12.2021 for the offences punishable under Sections 341, 294(b), 302 IPC in Crime No.187 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the *defacto* complainant's husband grabbed the property of the petitioner, by conducting kattapanchayat between the petitioner and his relatives, due to that, on 06.12.2021 at about 07.00PM, the petitioner assaulted the husband of the *defacto* complainant with weapon and he died. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this

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case. He would further submit that due to civil dispute, the petitioner was arrayed as accused in this case. The petitioner is in judicial custody from 07.12.2021. Hence, he seeks bail.

4.The learned counsel appearing for the intervener would submit that to show the grievousness of injuries, he produced the photographs and the *defacto* complainant has sought for change of investigation and the same was allowed by this Court.

5.The learned Additional Public Prosecutor would submit that the investigation was transferred to Inspector of Police, Kalaiyarkovil police station and that statement under Section 164Cr.P.C. was recorded and based on the statement, some more accused are to be added in this case.

6.It is seen from the records that the FIR came to be registered as if, the petitioner alone was involved in the incident. Subsequently, the intervener filed a petition in Crl.OP(MD)No.20914 of 2021, seeking for change of investigation and vide order dated 06.01.2022, this Court directed the Superintendent of Police, Sivaganga to appoint any other officer to continue the investigation. The learned Additional Public Prosecutor would submit that in pursuance of directions of this Court, the Inspector of Police, Kalayarkovil was appointed as investigating officer and investigation is in progress.

7.Considering the seriousness and gravity of the offence alleged and also the way in which number of injuries were inflicted on the deceased, as evident from the post mortem certificate and also the fact that the investigation is pending, as stated by the learned Additional Public Prosecutor, this Court is not inclined to grant bail to the petitioner.

8.Accordingly, this Criminal Original Petition is dismissed.

sd/-
07/02/2022

/ TRUE COPY /

/ /2022
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,
SALAIGRAMAM POLICE STATION,
SIVAGANGAI DISTRICT.

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

COPY TO :

THE INSPECTOR OF POLICE,
KALAIYARKOVIL POLICE STATION,
SIVAGANGAI DISTRICT.

ORDER
IN
CRL OP(MD) No.843 of 2022
Date :07/02/2022

USK/SBN/SAR-III/17.02.2022/3P/4C