



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 04/03/2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR
CRL OP(MD) . No.4258 of 2022

1. V.Dhamodharan

2. T.Subramani : Petitioners/A & A2

Vs

The state represented by
The Sub Inspector of Police,
Thiruthangal Police Station,
Virudhunagar District.
(Crime No.23/2022).

: Respondent/Complainant

For Petitioners : Mr.Mariappan G,
Advocate.

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

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

PRAYER :-

For Bail in Crime No.23 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused, who were arrested and remanded to judicial custody on 28.01.2022 and 31.01.2022 respectively, for the offences punishable under Section 174 Cr.P.C @ 302 IPC, in Crime No.23 of 2022 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the defacto complainant is the wife of the deceased Karuppasamy. The deceased Karuppasamy borrowed a sum of Rs.26 Lakhs from one Thangaboopathi for purchasing a property. Thereafter, the first petitioner had frequently picked up quarrel with the deceased Karuppasamy by saying that the said Thangaboopathi sold the above said property to him. In this regard the defacto complainant filed a suit. Due to that motive, on 27.01.2022 at about 05.30 pm, when the deceased Karuppsamy went to petrol bunk, the petitioners herein have followed the deceased Karuppasamy near ESI Hospital at Sivakasi and they had indiscriminately assaulted the deceased with hands and pushed down and kicked him on his chest and thereby caused his death. Hence, the complaint.



3.The learned counsel for the petitioner would submit that the deceased after selling his properties had been visiting him and harassing him as if he continues to be the owner of the property and that the first petitioner vendor Thangaboobathi had obtained fraudulent sale deed, that since the civil cases are pending between the parties, the defacto complainant has falsely implicated the petitioners in the present case.

4.The learned Additional Public Prosecutor appearing for the State would submit that when the deceased had visited the house of the first petitioner, the first petitioner had attacked him and kicked him on his chest and that subsequently he became unconscious and when he was taken to Sivakasi Government Hospital, he was declared as brought dead and that the first petitioner himself, in his confession, specifically admitted the disputes between him and the deceased and the attack was made by him on the deceased on the fateful day.

5.The learned Government Advocate (Criminal Side) appearing for the State would submit that the first accused had contacted the second accused through phone and asked him to come to his house and directed him to take the deceased as he was quarreling with him. He would further submit that after the alleged attack made by the first accused and when the deceased was sitting in road side, the second accused had abused him and also attacked him with his hands.

6.Considering the above facts and the seriousness and gravity of the offence alleged against the petitioners and that the petitioners are in judicial custody only from 28.01.2022 and 31.01.2022 respectively, and that the investigation is in earlier stage, this Court is not inclined to grant bail to the petitioners at this point of time.

7.Accordingly, the Criminal Original Petition is dismissed.

sd/-

04/03/2022

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/ /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 JUDICIAL MAGISTRATE NO.II

<https://hcservices.gov.in/hcservices/>



2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT.

3 THE OFFICER INCHARGE,
DISTRICT JAIL VIRUDHUNAGAR.

4 THE SUB INSPECTOR OF POLICE
THIRUTHANGAL POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

+1. CC to M/S.MARIAPPAN G Advocate SR.No.1746

ORDER
IN
CRL OP(MD) No.4258 of 2022
Date :04/03/2022

SS/SBN/SAR:I/10.03.2022 : 3P/7C