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

Date : 16/09/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD) . No.15745 of 2022

Pothiappan

... Petitioner/Sole Accused

Vs

State rep.by
The Sub Inspector of Police,
Chockampatti Police Station,
Tenkasi District.
(Crime No.208 of 2021).

... Respondent/Complainant

Subbulakshmi

... Petitioner/Intervener
(in Crl.M.P. (MD)NO.11070/2022)

For Petitioner : M/s.Murugessan P, Advocate.

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

For Intervenor : V.Sasikumar, Advocate

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

PRAYER :-

For Bail in Crime No.208 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 04.08.2022 for the offences punishable under Section 302 IPC, in crime No.208 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 09.09.2021, when the deceased was sleeping in his garden, the accused attacked the



deceased indiscriminately and caused death to him. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner is having some dispute with the son of the deceased only and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner is in judicial custody from 04.08.2022 and hence, he may be released on bail.

4.The learned counsel for the intervenor strongly opposed that the petitioner borrowed loan from various villagers and used to come to the de-facto complainant's garden and cattle shed and the same was questioned by the de-facto complainant's son and angered over the same, the petitioner planned to commit the above said offence.

5.The learned Additional Public Prosecutor would submit that due to the dispute between the petitioner and the son of the deceased, on the date of occurrence, the petitioner planned to eliminate the son of the deceased and went to the garden. Since the deceased was sleeping in a cot by covering the face with blanket, the petitioner thought that son of the deceased was sleeping and attacked with aruval and caused death of the deceased. He would further submit that the investigation is in preliminary stage.

5.Considering the seriousness and gravity of the offence alleged and on considering the period of incarceration and also considering the fact that the investigation is in preliminary stage, this Court is not inclined to grant bail to the petitioner.

6.Accordingly, this Criminal Original Petition is dismissed.

Sd/-
16/09/2022

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/09/2022
Sub-Assistant Registrar (C.S.II)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

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.



1. THE SUB INSPECTOR OF POLICE,
CHOCKAMPATTI POLICE STATION,
TENKASI DISTRICT.
2. THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP (MD) No.15745 of 2022
Date :16/09/2022

SP/SBN/SAR II/23/09/2022/3P/4C