



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/11/2022

PRESENT

WEB COPY

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

CRL OP(MD). No.20065 of 2022

Nawbal @ Nowpal Mohideen

... Petitioner/Sole Accused

Vs

The State Rep.by
The Inspector of Police,
Arumuganeri Police Station,
Thoothukudi District.
(Crime No.232 of 2022).

... Respondent/Complainant

Sayed Ahmed Fathima

... Petitioner / Intervener
IN CRL MP(MD)No.14427 of 2022

For Petitioner : M/s.Ebenezer T A,
Advocate.

For Respondent : Mr.M.Vaikkam Karunanithi,
Government Advocate (Crl.Side)

For Intervenor : Mr.K.Selvam,
Advocate.

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-For Anticipatory Bail in Crime No.232 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 506(i) of IPC @ 294(b), 323, 448, 427, 506(i) and 304 (II) of IPC, in Cr.No.232 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that on 19.09.2022, at about 10.30 a.m, the petitioner had damaged the house belongs to the defacto complainant. When the same was questioned by the defacto complainant, the accused pushed down the defacto complainant and attacked him with legs and caused grievous injury. He was taken to the hospital. Later, he died on 25.09.2022. Hence, the complaint.

3.The learned counsel for the petitioner would submit that a false case has been foisted against the petitioner and the

<https://www.mhc.tn.gov.in/judis>



petitioner is innocent and he has not committed any of as alleged by the prosecution. He would further submit that the complainant already having heart problem & blood pressure and he is a diabetic patient. Hence, he died only due to heart attack not by the attack made by the petitioner. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned counsel for the Intervenor would submit that the accused kicked over the chest of the defacto complainant. Due to which, he suffered by severe chest pain and it leads to cause cardiac failure. The petitioner is only the reason for the death of the defacto complainant. Hence, he strongly opposed to grant anticipatory bail to the petitioner.

5.The learned Government Advocate (Crl.Side) would submit that the defacto complainant died due to grievous injuries, which was made by the petitioner. Considering the gravity of the offence and the investigation is not yet completed, he strongly opposed to grant anticipatory bail to the petitioner.

6.On perusal of Postmortem report shows that there was grievous injuries i.e., punch marks etc., on the body of the defacto complainant.

7.Considering the facts and circumstances of the case and also considering the gravity of the offence, this Court is not inclined to grant anticipatory bail to the petitioner.

6.Accordingly, this Criminal Original Petition is dismissed.

sd/-

28/11/2022

/ TRUE COPY /

/12/2022

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
ARUMUGANERI POLICE STATION,
THOOTHUKUDI DISTRICT
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

CRL OP(MD) No.20065 of 2022

Date :28/11/2022

DSS

MK/BUC/SAR 4/07.12.2022/2P/3C

<https://www.mhc.tn.gov.in/judis>