



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 22/12/2022

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA
CRL OP(MD). No.22778 of 2022

WEB COPY

Nawbal @ Nowfal 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

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

For Respondent : Mr.P.Kottaichamy,
Government Advocate (Crl.Side)

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 petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the defacto complainant was 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. He would also submit that the defacto complainant is person who has assaulted him. Hence, he prays for grant of anticipatory bail to the petitioner.



4. The learned Government Advocate (Crl.Side) would submit that the defacto complainant died due to the assault, which was made by the petitioner. He would also submit that the incident had happened due to punch made by the petitioner on the chest and the petitioner was suffering pain and he was taken to hospital and died. The petitioner had also attacked the deceased with bricks and as a result of which he sustained injuries and further in the post mortem certificate it is seen that punch mark of size 0.5 cm noted mid point below the (RT) clavicle. This Court had earlier taken notice of the diffuse illness noted over the clavicle and only thereafter this Court had dismissed petition, hence he seeks to dismiss the petition.

5. Taking into consideration the fact and circumstances of the case and also the fact that this is the fourth anticipatory bail petition and also taking into consideration the heinous offence of murder committed by the petitioner and also taking note of the fact that there is no change in circumstances in the case, this Court is not inclined to grant anticipatory bail to the petitioner.

6. In the result, the petition stands dismissed.

sd/-

22/12/2022

/ TRUE COPY /

/01/2023

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

AAV

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.22778 of 2022

Date :22/12/2022

USK/VR/SAR-II/04.01.2023/2P/3C