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CrI.O.P.No. 1412 of 2023

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T.V.THAMILSELVI, J.

The petitioner, who was arrested and remanded to judicial custody on 19.12.2022 for the alleged offence under Section 341, 294(b), 324, 506(ii) of I.P.C. in Crime No.437 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 05.12.2022 at about 21.00 hrs., the petitioner along with other accused waylaid the deceased viz., Thiruvankatanathan, who is aged about 24 years and scolded him in filthy language and also assaulted him with wooden log and threatened him, thereby deceased sustained head injuries and subsequently he died. Hence, the complaint.

3. The learned counsel for the petitioner submitted that there is no blood injury to the deceased and after taking treatment for more than 8



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days, he was discharged on 14.12.2022 and till such time, no complaint was registered against him. He would submit that the victim alleged to have admitted again on 16.12.2022 in a private hospital and he was advised to undergo operation, but he denied it and admitted in a Government hospital and he died on 18.12.2022. Accordingly, the complaint was registered on 18.12.2022. He would submit that he is an innocent person and he has not at all committed any offence as alleged by the respondent police and he is no way connected with the said occurrence. He would submit that there is no role of the petitioner in the alleged offence and he has been falsely implicated as accused in this case. He would further submit that the investigation is almost completed and that the petitioner has been suffering incarceration from 19.12.2022. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (CrI. Side) appearing for respondent would submit that totally, 3 accused involved in this case and the petitioner is arrayed as A3. He would submit that there was a wordy quarrel between the defacto complainant and the petitioner, thereby he



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attacked deceased with wooden log on his head, thereby he sustained injuries and died. He would also submit that the investigation is in preliminary stage and if he is released on bail, he would tamper the witnesses and hamper the investigation and the investigation is not yet completed. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the facts and circumstances of the case and the submissions made by both counsel and considering the gravity of offence committed by the petitioner and also the fact that he was arrested only on 19.12.2022 and also considering the fact that if he is released on bail, there is possibility of tampering the witnesses and hampering the investigation, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

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