



Crl.O.P.No. 4587 of 2023

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T.V.THAMILSELVI, J.

The petitioners, who were arrested and remanded to judicial custody on 27.01.2023 for the alleged offence under Sections 294(b), 307 of I.P.C. and subsequently it was altered into Sec.294(b), 302 of I.P.C. in Crime No.36 of 2023 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the defacto complainant's grandfather owning 3 acres of land in his village and during his life time, he partitioned his properties to his two sons, viz., 1st petitioner and husband of deceased. While so, there was a dispute arose between them for irrigation of water from the common well and panchayath was convened, in which, panchayatars partitioned the well between them. In continuation, on 23.01.2023, when the 1st petitioner was plaguing her land, the same was prevented by the deceased and these petitioners joined together and threatened her. However, on the same day around 06.30 p.m., when deceased was in her land, A1 proceeded to her land, which was questioned



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by her, a wordy quarrel arose between them, thereby he scolded the deceased in filthy language and attacked the deceased with wooden log on her head, due to which, she sustained bleeding injury and during the course of treatment in hospital, she died. Hence, the complaint was registered against the petitioners.

3. The learned counsel for the petitioners submitted that there is no specific overtact attributed against them. He would submit that they are innocent persons and they have not at all committed any offence as alleged by the respondent police and they are no way connected with the said concern. He would submit that there is no role of the petitioner in the alleged offence and they have been falsely implicated as accused in this case. He would further submit that the investigation is almost completed and that the petitioners have been suffering incarceration from 27.01.2023. Hence, he prayed to grant bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that totally, there are three accused involved in this case and the petitioners arrayed as A2 and A3. He would submit that 1st petitioner is brother-in-law of deceased and already with regard to partition



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of property and enjoyment of a common wall, there was a quarrel between family members, thereby they scolded and attacked deceased, due to which, she died. He would also submit that if they are released on bail, they may abscond and they 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 petitioners by attacking the deceased with wooden log on her head due to a land dispute between them and the deceased, thereby the alleged occurrence happened on that day and also the fact that investigation is still pending and if they are released on bail, they may abscond and there is possibility of tampering the witnesses and hampering the investigation, this Court is not inclined to grant bail to the petitioners. Accordingly, this Criminal Original Petition is dismissed.

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