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Crl.O.P.No. 5065 of 2023

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T.V.THAMILSELVI, J.

The petitioner, who was arrested and remanded to judicial custody on 09.02.2023 for the alleged offence under Sections 147, 148, 294(b), 323, 324, 307, 302 of I.P.C. in Crime No.37 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant was working in Indian Army and returned to village on 12.01.2023 and his brother also returned to village. While so, on 08.02.2023, when he was washing his cloths in village tank, the 1st accused came and asked him for space to wash his cloths, thereby there was a wordy quarrel between them. Subsequently, aggrieved over that, when 1st accused walking on his way to home, defacto complainant's father provoked him by raising the issue and both got into quarrel with each other and also attacked with each other, in which he sustained injuries and admitted in hospital for treatment. Hence, the complaint.



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3. The learned counsel for the petitioner submitted that the defacto complainant and petitioner are relatives and A1's son marriage was scheduled to be convened, he came from Army on leave to attend the marriage. While so, when he was washing cloths in public water tank, A1 told him only not to wash cloths there, thereby the defacto complainant picked up quarrel and aggrieved over that, both were attacked each other and the alleged occurrence held on that day, in which he is no way connected with the occurrence. He would submit that he is an innocent person and he has not at all committed any offence as alleged by the respondent police. 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 09.02.2023. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that totally, there are nine accused involved in this case and the petitioner is arrayed as A5. He would submit that there was a quarrel arose between them while taking water in a public tank,



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thereby both attacked with each other, in which, defacto complainant sustained injuries and he was admitted in hospital for treatment and subsequently he died. He would also submit that if he is released on bail, he will tamper the witnesses and hamper the investigation and the investigation is not yet completed, which is in preliminary stage. 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 that there was a dispute over taking water in a public tank, thereby both attacked with each other and the alleged occurrence was happened on that day and also the fact that investigation is still pending and it is in preliminary stage and if he is released on bail, he may abscond and 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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