



Crl.OP.No.14474 of 2023

WEB COPY **G.CHANDRASEKHARAN, J.**

This petition is filed to enlarge the petitioner on bail in the event of his arrest in pursuant to the non bailable warrant dated 19.06.2023 made in S.C.No.127 of 2022 issued by the learned Principal District and Sessions Judge, Tiruppur.

2.The learned counsel for the petitioner submitted that petitioner was not shown either as an accused in First Information Report in Crime No.1362 of 2020 and then in the final report filed in the case in S.C.No.127 of 2022 for the offences under Section 294 (b), 324 and 506 (ii) I.P.C. altered into 302 I.P.C. During the course of recording evidence, the learned Principal and Sessions Judge, Tiruppur, ordered further investigation in this case and then petitioner was arrayed as an accused and NBW was issued against the petitioner. Petitioner has no connection whatsoever either with the attack made against the deceased or his death. Therefore, this petition.

3.The learned Government Advocate (Criminal side) submitted that the deceased, petitioner and all the accused went for consumption of liquor



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in a field. In inebriated condition, there was a fight among them and in the fight first accused had hit the deceased with broken beer bottle, petitioner had beaten the deceased with the use of coconut shell. Though the First Information Report was registered for the offence under Section 174 Cr.P.C., after investigation final report was filed under Section 294 (b), 324 and 506 (ii) I.P.C. During the recording of evidence, the learned Principal and Sessions Judge, Tiruppur, found that there are *prima-facie*, materials to frame charges against the accused under Section 302 I.P.C. and ordered further investigation of this case. As per the further investigation, additional final report was filed against i) Nandha @ Nandhakumar, ii) Nagaraj, iii) Abudhahir, iv) Deelipan and they are added as accused. NBW was issued against the newly added accused.

4. In reply to his submission, the learned counsel for the petitioner submitted that the statement of Doctor of B. Saravanapriya shows that head injury found on the deceased is not sufficient for cause of his death.

5. In reply to the submission of learned Government Advocate (Criminal side) submitted that Dr. Ramakrishnan, who was examined on the



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cause of death of the deceased gave an opinion that due to wound suffered external and internal, and the attack made on the head using the broken beer bottle, it was possible that the death was caused.

6.In the nature of the facts and circumstances of the case, and that petitioner is added as an accused, as an outcome of further investigation ordered by the learned Principal and Sessions Judge, Tiruppur, and that now trial is in progress, this Court is of the view that the anticipatory bail sought for by the petitioner cannot be entertained. Therefore, this petition is dismissed with a direction to the petitioner to approach the learned Principal and Sessions Judge, Tiruppur, by filing a surrender petitioner with a petition seeking a regular bail. If such petitions are filed, the learned Principal and Sessions Judge, Tiruppur, is directed to pass appropriate orders on merits and in accordance with law at the earliest.

7.Accordingly, this Criminal Original Petition is dismissed.

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