



Crl.O.P.No.16885 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 324 and 506(2) of IPC, 1860 in Crime No.49 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant/Sivanesan is that he, being a sub contractor of construction works, undertook the repair work of the building meant for noon meal scheme in the Middle School of Kadacholai and whileso, on 07.06.2023, having found non-supply of water in the tap fixed in the school, he requested A1, the Ward Member concerned, who came there, for supply of water for the purpose of construction, for which, A1 had not only abused the de facto complainant with filthy language, but, later, had come to the school along with other three accused and attacked the de facto complainant with wooden log and iron rod, and thereby caused grievous injuries in his spinal cord. Hence, the complaint.



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3. Learned counsel for the petitioner/A1 would submit that the petitioner is an innocent person and a false complaint has been given against him. He would further submit that the petitioner is a disabled person suffering 60% disability struggling a lot even to walk and there is no overt act attributed against him and thereby, seek for anticipatory bail.

4. Learned Government Advocate (Crl.Side) appearing for the respondent would submit that it is a case where the defacto complainant requested A1 for supply of water for the purpose of construction work, but A1 has not only refused to supply water, but also came along with A2 to A4 and assaulted the de-facto complainant indiscriminately with iron rod and wooden log, as a result, the defacto complainant had suffered fracture in his spinal cord. He would further submit that even though the defacto complainant has been discharged from the hospital, the injury suffered by him is stated to be grievous in nature and therefore, the respondent is taking steps to alter the case to one under Section 326 of IPC. He therefore, opposed for granting anticipatory bail to the petitioner/A1.



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5. Heard the learned counsel on both sides and perused the entire materials available on record including the First Information Report and Wound Certificate.

6. Taking into consideration the facts of the case and the submissions made by the learned counsel on either side, this Court, by an order dated 27.07.2023, called for the Medical Report of the victim. From the Wound Certificate produced, it is seen that victim had suffered lumbar spine injury and the opinion of the Medical Officer reads thus:

“He suffered injury to Lumbar Spine.

C.T. L/S spine : Undisplaced fracture

L1 Vertebrae

The nature of injury is grievous.”

7. Taking into consideration the nature of injuries suffered by the victim and the overt acts of the petitioner, this Court is not inclined to grant anticipatory bail to the petitioner and accordingly, this Criminal Original Petition is dismissed.

31.07.2023

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