



Crl.O.P.No.21473 of 2023

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RMT. TEEKAA RAMAN.,J.

The petitioners who are arrayed as A.1 & A.2 apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 294(b), 323, 324, 307 and 302 of IPC registered in Crime No.407 of 2023, seek anticipatory bail.

2. The case of the prosecution is that on 31.07.2023, there was a temple festival in the petitioner's village and at around 11.00 p.m., while the temple car reached the 1st petitioner's home and he offered pooja for the god, the father of the defacto complainant opposed and therefore there was a wordy quarrel between the 1st petitioner's family and the defacto complainant's family, due to which the petitioner and others attacked the defacto complainant's father with wooden log and stone. In the said incident, the father of the defacto complainant sustained injury and admitted in the hospital and thereafter he died.

3. The learned counsel for the petitioners would submit that the 1st petitioner is residing at Chennai and due to temple festival, he came to



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his native village. On 31.07.2023, at around 11 p.m. during the temple festival, the temple car reached the 1st petitioner's house and he offered pooja. At that time, the father of the defacto complainant who is the Village Panchayat President opposed the 1st petitioner to worship the God and the same was questioned by the 1st petitioner, due to which the defacto complainant alongwith his father and family members assaulted the petitioners and others with wooden log and that the petitioners were admitted in the Government hospital at Vellore. On seeing the same, the people assaulted the defacto complainant and his family members in which the father of the defacto complainant was injured, admitted in the hospital and died thereafter.

4. The learned Government Advocate (crl.side) would contend that the father of the defacto complainant viz. Padmanaban was injured and admitted in the hospital on 31.07.2023 and hence case was initially registered under Section 307 IPC. However, despite treatment, the said Padmanaban died on 09.08.2023. Hence, alternation of charge memo has been filed before the concerned Judicial Magistrate, Cheyyar altering Section



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307 to 302 IPC, that the matter is in preliminary stage of investigation and tension prevailing in the locality.

5. The submissions made by the learned counsel for the petitioners/A.1 & A.2 are noted. According to the petitioners, they also sustained injuries and they claim that some unknown village people attacked the father of the defacto complainant who died despite treatment in the hospital.

6. Taking into consideration the fact that the injured/father of the defacto complainant died and the matter is in the preliminary stage of investigation and it is for the investigating officer to find out who is the aggregator, I am not inclined to grant anticipatory bail to the petitioners for the present. It is open to the petitioners to move anticipatory bail petition in future or on change of circumstances.

7. Accordingly, this Criminal Original Petition is dismissed.

21.09.2023

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