



CRL OP(MD). No.22916 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/12/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

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Kalidass,

... Petitioner/ Accused Rank Not Known

Vs

The Inspector of Police,
Othakadai Police Station,
Madurai District.
Crime No.421 of 2023.

... Respondent/Complainant

For Petitioner : Mr.S.MUTHU KUMAR
Advocate.

For Respondent : Mr.RMS.SETHURAMAN,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :- For Bail in Crime No.421 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ Accused, who was arrested and remanded to judicial custody on 26.11.2023 for the alleged offences punishable under Sections 174 of Cr.P.C @302 of IPC in Crime No.421 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the deceased was working a painter under



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the petitioner who is Contractor in Coimbatore and on 08.11.2023 the petitioner and his workers including the deceased have gone to Madurai in a car for painting work at Madurai and on the way the deceased consumed alcohol , created nuisance and damaged the car glasses, hence the petitioner stopped the car and the police officials of Reddiarchathiram has warned them and sent them. Thereafter they reached Madurai and since the deceased was under the influence of alcohol the workers have left him in the rook and went for work. Next day morning the deceased was not well and hence he was taken to Velammal Hospital from thereafter discharged and taken to Government Hospital, Coimbatore, where he died without responding to treatment. Hence the case was registered under Section 174 of Cr.P.C and subsequently during the investigation it came to light that the petitioner herein has attacked the deceased indiscriminately and punched the deceased on his face and suppressing the same admitted him in the hospital as though it is a case of accidental fall. Hence the case.

3.The learned counsel appearing for the petitioner would contend that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the deceased died only due to the over consumption of alcohol and he was not present in the alleged place of occurrence. He would further submit that the petitioner is in custody from 26.11.2023, hence he seeks



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bail.

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4. The learned Additional Public Prosecutor would submit that the petitioner herein along with other accused have indiscriminately attacked the deceased and caused his death, hence he objected to grant bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case and also taking note of the fact that after consuming alcohol the petitioner herein attacked the deceased due to which he died and also taking into consideration the active role played by the petitioner, this Court is not inclined to grant bail to the petitioner.

6. Hence the petition stands dismissed.

sd/-
19/12/2023

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/12/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV
TO

1 THE INSPECTOR OF POLICE,
OTHAKADAI POLICE STATION,
MADURAI DISTRICT.

2 THE OFFICER INCHARGE,
SUB JAIL, THENI.

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,

MADURAI

<https://www.hmc.tn.gov.in/judis>



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+1 CC to M/s.S.MUTHUKUMAR, Advocate (SR-18196[I] dated 21/12/2023)

ORDER
IN
CRL OP(MD) No.22916 of 2023
Date :19/12/2023

SA/JGB/SAR. /26.12.2023/4P/5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.