



Crl.O.P.No. 8473 of 2024

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T.V.THAMILSELVI, J.

The petitioners, who were arrested and remanded to judicial custody on 27.02.2024 for the alleged offence under Section 147, 148, 294(b), 324, 307 and 302 of I.P.C. r/w Sec.3(1) of Tamil Nadu Property (Prevention of Damage and Loss) Act in Crime No.58 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant and his group as well as the petitioners are fishermen. While fishing in their respective boats in sea at Nagapattinam, there was an altercation and a quarrel between both groups, thereby this petitioner along with other accused said to have abused defacto complainant and his group and also attacked them with iron rod, due to which, damage caused to a boat, fishing net and as a result, one of them died and the defacto complainant suffered fracture in his left hand and his brother sustained grievous injury. Hence, they have lodged a complaint against the petitioners.



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3. The learned counsel for the petitioners submitted that in respect of fishing, there was a clash between two groups, thereby the alleged incident happened, wherein he has not involved in the offence. He would submit that all the three accused including deceased were in sea and they have not travelled in the boat as alleged by the respondent police. He would submit that they are no way connected with the offence as alleged in the complaint and they have been falsely implicated in this case. He would submit that there is no specific overtact against these petitioners and they are innocent persons and they have not at all committed any offence as alleged by the respondent police. He would submit that there is no role of the petitioners in the alleged offence and they are the sole bread-winners of their family. He would submit that the investigation is almost completed and that the petitioners have been suffering incarceration from 27.02.2024 for more than 36 days. Hence, he prayed to grant bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that the defacto complainant and his brothers, have travelled in a boat, wherein in respect of fishing there was a clash between them, thereby the petitioner along with other accused attacked



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them, in which two of them died. He would submit that now the enquiry is pending and investigation is not yet completed. He would submit that so far, they have secured reliable witnesses and at this stage, if they are released on bail, they may abscond and they would tamper the witnesses and hamper the investigation. Hence, he vehemently opposed to grant bail to the petitioners.

5. Considering the facts and circumstances of the case and the submissions made by both counsel, it reveals that there was a clash between two groups in respect of fishing in sea and in which two of them died and on seeing gravity of offence committed by the petitioners and also the fact that now the enquiry is pending and the investigation is not yet completed and so far, they have secured reliable witnesses, at this stage, if they are released on bail, they may abscond and there is possibility of tampering the witnesses and hampering the investigation, this Court is not inclined to grant bail to the petitioners. Accordingly, this Criminal Original Petition is dismissed.

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