



CRL OP(MD) No.22518 of 2023

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)**

Thursday, the Fourth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.22518 of 2023

L.CHELLA PANDI ... PETITIONER / ACCUSED RANK NOT KNOWN

Vs

**THE INSPECTOR OF POLICE
SIVAGANGAI TOWN POLICE STATION,
SIVAGANGAI DISTRICT.
(CRIME NO.617/2023).**

... RESPONDENT / COMPLAINANT

For Petitioner : MR.P.PONRAJ Advocate

**For Respondent : MR.B.NAMBISELVAN,
Additional Public Prosecutor**

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

PRAYER:

**FOR ANTICIPATORY BAIL IN CRIME NO.617/2023 ON THE FILE OF THE
RESPONDENT POLICE.**

ORDER : The Court Made the following order :-

**The petitioner/ Accused Rank Not Known, who apprehends arrest at the hands
of the respondent police for the alleged offence under Sections 279 and 304(A) @ 120**

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



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(B), 147, 148, 294(b), 302, 307 and 506(II) of IPC in Crime No.617 of 2023, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the brother of the deceased. There was previous enmity between the petitioner's family and the defacto complainant's family. Thereby, the deceased person attacked the petitioner's family member namely, Devaraj with aruval, who is the then President of P.Velalankulam Village. Due to which, the son of the Devaraj and other relatives including the petitioner, chased the two wheeler of the deceased person by the Car and dashed the back side of the two wheeler. Due to which, the deceased lost his balance and fell down. Thereafter, the petitioner along with other accused persons attacked the deceased with wooden reaper and murdered him. Hence, a complaint has been lodged before the Law Enforcing Authority. Initially case has been registered for the offence under Sections 279 and 304(A). After that, based on the confession of A1, it was altered into Sections 120(B), 147, 148, 294(b), 302, 307 and 506(II) of IPC.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that he is the only relative of the other accused persons. There is no specific overt act against the petitioner. At the time of occurrence, he was not available in the scene of occurrence and he was in treatment



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in the Government Medical College Hospital, Sivagangai. However, without considering the same, the Law Enforcing Authority falsely implicated the petitioner in this case. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the State submitted that the petitioner is the relative of one Devaraj, who is the then President of P.Velalankulam Village. There was previous enmity between the said Devaraj's family and the defacto complainant's family. The deceased belongs to the defacto complainant's family. On the particular day, the deceased and his brother attacked the Devaraj, who is the relative of the petitioner. Thereby, the said Devaraj's son and other relative including the petitioner attacked the deceased person with wooden reaper and lost his life. All the accused persons were secured except the petitioner. Apart from that 6 previous cases are pending against the petitioner. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the antecedents of the petitioner, I am not inclined to grant anticipatory bail to the petitioner.



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6. Accordingly, this Criminal Original Petition stands dismissed.

sd/-

04/01/2024

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/01/2024

Sub-Assistant Registrar
(C.S.I /II /III /IV)

Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS

TO

- 1 THE INSPECTOR OF POLICE
SIVAGANGAI TOWN POLICE STATION, SIVAGANGAI DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.22518 of 2023

Date :04/01/2024

PKP/DD/SAR- /09.01.2024/ 4P/ 3C

Madurai Bench of Madras High Court is issuing certified
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