



CRL OP(MD) No.23523 of 2023

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

Friday, the Fifth day of January Two Thousand and Twenty Four
PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.23523 of 2023

SONY @ VIJAYAKUMAR

... PETITIONER / ACCUSED No.2

Vs

THE INSPECTOR OF POLICE
MATHUR POLICE STATION,
PUDUKKOTTAI DISTRICT.
CRIME NO.165/2023

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.ANANDAKUMAR.N Advocate

For Respondent : Mr.B.NAMBISELVAN, Additional Public Prosecutor

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

PRAYER:

FOR BAIL IN CRIME NO.165/2023 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 19.11.2023 for the offences punishable under Sections 294(b), 323, 324, 506(ii) IPC altered into Section 302 of IPC, in Crime No.165 of 2023, on the file of the respondent police, seeks bail.



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2.The case of the prosecution is that the petitioner and the defacto complainant are neighbours. The petitioner frequently entered wordy quarrel with the defacto complainant. In this circumstances, on 19.11.2023 at about 5.30 p.m., when the defacto complainant was standing in front of her house, the petitioner and his brother, who is the first accused in a drunken mood used filthy language against the defacto complainant. At that time, the first accused and this petitioner attacked the defacto complainant and her father and also threatened them with dire consequences. Due to the attack made by the accused persons, the defacto complainant's father lost his life. Hence, the present complaint has been registered.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution. There is no specific overt act attributed against the petitioner and he is in prison for more than 48 days. Hence, he prays for grant bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner and other accused entered quarrel with the defacto complainant. When the accused tried to attack the defacto complainant, the defacto complainant's father attempted to rescue her. At that time, he was sustained grievous injury, thereby, he lost his life. There are three injured persons in this case. Further, two previous cases are pending against the petitioner in similar nature.



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Hence, he vehemently opposed to grant bail to the petitioner.

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5. Heard. Perused the materials available on record including the First Information Report.

6. Considering the facts and circumstances of the case and also considering the grievous nature of offences and two previous cases are pending against the petitioner in similar nature, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, this Criminal Original Petition is dismissed.

sd/-
05/01/2024

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/01/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU

TO

- 1 THE INSPECTOR OF POLICE
MATHUR POLICE STATION,
PUDUKKOTTAI DISTRICT.
- 2 THE SUPERINTENDENT
CENTRAL PRISON, TRICHY.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



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ORDER
IN

CRL OP(MD) No.23523 of 2023

Date :05/01/2024

SS/DD/SAR- /19/01/2024/4P/4C

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