

**In the Court of the Principal District Judge, Madurai.**

Present : **Thiru.M. Balakumar, B.A., M.L.,**

**(V Additional District Judge, Madurai)**

Principal District Judge, Madurai. (i/c)

Thursday, this the 10<sup>th</sup> day of September -2020.

**Crl.M.P.No.4002/2020**

Sekar @ Dhanasekar, S/o.Murugan

... Petitioner/Accused.

**Vs**

Pandiyammal, W/o. Murugan

... Intervene petitioner

State through the Inspector of Police,

Usilampatti Taluk P.S. Cr.No.1213/2020

... Respondent/Complainant.

This petition taken up today for hearing at request through e.mail/ e.petition and after hearing the arguments of Thiru.PAT.S.Iyappakathirvel, Advocate for the petitioner and of Thiru. C. Manikandan, Advocate for the intervene petitioner and of Thiru.M. Tamil Chelvan, the Public Prosecutor for the state over conference call, this court passed the following

**Order**

1. Bail applications u/s. 439 of Cr.p.c.
2. The offences alleged are U/s. 294(b), 323 and 304(ii) of IPC.
3. The defacto complainant/intervening petitioner has filed an intervening petition and he is permitted to assist the public prosecutor.
4. Heard the argument of petitioner counsel, intervene petitioner counsel and the Public prosecutor.
5. The learned counsel for the petitioner argued that the accused arrested on 22.8.2020 u/s. 294(b), 323 and 304(ii) of IPC. Originally, the F.I.R. lodged U/s. 294(b) and 323 of IPC. Subsequently, on the very next day when the injured was expired, the alteration report was filed. Further, the learned counsel for the petitioner argued that after the accident the injured was taken to the

Government Hospital and thereafter, referred to Madurai Meenakshi Mission Hospital where the son of the deceased has stated that his father fell down from the cot and even the doctor has also stated that there was no external injury to the deceased. Hence, as per the version of the son of the deceased, he fell down from the cot only.

6. The learned counsel for the intervene petitioner strongly objected stating that there was election motive between the accused and the victim family. In view of the election rivalry and due to the assault of the accused only the injured person was died on the very next day. Hence, the bail petition may be dismissed.

7. The learned public prosecutor stated that the Post-mortem certificate so far not received and the case is at the initial stage only. Therefore, strongly objected to release the accused on bail.

8. Considering the fact that the investigation is in initial stage and the Post-mortem report is yet to be received and considering the objection raised by the intervene counsel, this court is not inclined to grant bail to the petitioner and the petition deserves to be dismissed.

9. In the result, the bail petition is dismissed accordingly.

Pronounced by me in Open Court on the 10<sup>th</sup> day of September -2020.

Sd/- M. Balakumar  
**V Additional District Judge, Madurai**  
Principal District Judge, Madurai.(i/c)

**Copy to**

1. The Judicial Magistrate concerned.