



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

Monday, the Twenty Third day of March Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) Nos.4528 and 4529 of 2015

1 K. VELUSAMY
2 K. KRISHNAMOORTHY ... PETITIONERAS / ACCUSED 1 AND 2
IN CRL.O.P.No.4528/2015

1 AYYAVU
2 RAJESWARI
3 PERUMAL
4 THAVAMANI @ NAVAMANI ... PETITIONERS/ACCUSED 7 TO 10
IN CRL OP(MD) . 4529/ 2015

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
VAIYAMPATTI POLICE STATION, TRICHY DT,
CRIME NO.79/2015
(RESPECTIVELY) ... RESPONDENT / COMPLAINANT IN BOTH THE CASES

For Petitioner : M/S.M.SIDDHARTHAN Advocate in both the Cases.

For Respondent : MR.A.P.BALASUBRAMANIAN, Govt. Advocate (Crl. Side)
in both the Cases.

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Section 306 IPC in Crime No.79 of 2015 on the file of the respondent police, seek anticipatory bail.

2. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) appearing for the State.

3. These are second anticipatory bail petitions and the first anticipatory bail petition in Crl.O.P.(MD) 2119 of 2015 was dismissed by this Court on 16.02.2015.

4. The respondent police have filed a status report dated 16.02.2015, very strongly objecting to the grant of anticipatory bail to these petitioners, by stating as follows:

"2. I respectfully submit that the brief fact of the complaint is that the defacto complainant is the son of the deceased, he married one Nagalakshmi three months before now. Within three days after the marriage, she refused to live with the complainant and thereby left her matrimonial home. On the other hand the parents of Nagalakshmi demand to transfer the property of the deceased Selvam in the name of Nagalakshmi.



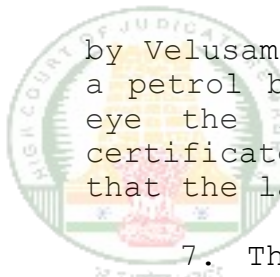
It was refused by Selvam. In this situation on 28.01.2015 one Rajendran and 7 others who were all blood relatives of Nagalakshmi entered into the house of the defacto complainant and attacked the parents and relatives of the defacto complainant. In this occurrence the father of the defacto complainant got head injury and admitted in the Government Hospital, Manapparai. In this regard a case in Crime No.70 of 2015 for the alleged offence u/s. 147, 294(b), 323, 324, 355, 427, 506(ii) IPC. To take revenge the estranged wife of the defacto complainant lodged a false complaint against the defacto complainant and his family members before All Women Police Station, Manapparai. All the family members of the defacto complainant called by the All Women Police Station, Manapparai. When they went to the Police Station, all the accused attacked the defacto complainant's father Selvam and scolded with filthy language and demand to alienate a property located on the main road to his estranged daughter-in-law. Due to the torture, the father of the defacto complainant Selvam consumed poison and died leaving a suicide note.

3. I respectfully submit that after received the complaint, a case was registered in Crime No.79 of 2015 for the alleged offence u/s 306 of IPC on 04.02.2015. The 161(3) Cr.P.C. Statements were recorded from the witnesses, the observation magajar and rough sketch were also prepared. The body sent to the Government Hospital, Manaparai for post mortem and the inquest report also prepared before the Panchayatars.

4. I respectfully submit that the suicide letter of the deceased was recovered. The suicide note only said that all the accused threatening the deceased to withdraw the case against them in Crime No.70 of 2015 and all they demand the deceased to transfer the land to the daughter-in-law of the deceased. Due to the continuous torture or threatening the deceased commit to suicide. So it is clear that all the accused directly involve to instigate the deceased to commit suicide. Further it is clear that the daughter-in-law of the deceased left out from the matrimonial home, but she lodged a false complaint before All Women Police Station stating that she was abused by the deceased."

5. The sum and substance of the prosecution case is that the deceased Selvam is the father of Venkatesh / defacto complainant. Nagalakshmi is the wife of Venkatesh and the petitioners in CrI.O.P.(MD) No.4529 of 2015 are the relatives of Nagalakshmi. Velusamy / 1st petitioner in CrI.O.P.(MD) No.4528 of 2015 is the President of Panchayat and Krishnamoorthy / 2nd petitioner in CrI.O.P.(MD) No.4528 of 2015 is his brother. Velusamy and Krishnamoorthy wanted a place for installing a petrol bunk, because they had applied for necessary license with Indian Oil Corporation Limited. They had located a particular place which belonged to the deceased Selvam and in order to get that property, they along with the parents and relatives of Nagalakshmi were instigating Nagalakshmi to get the property written in her name.

6. Learned counsel for the petitioners took me through various documents and submitted that there was no necessity for Velusamy to get
<https://hcservices.easrtd.gov.in/hcservices/> alleged by the prosecution, because Velusamy was already given a license as early as on 19.11.2014. Learned counsel for the petitioners also filed a typeset of papers enclosing documents submitted



by Velusamy to the Indian Oil Corporation for the purpose of establishing a petrol bunk and submitted that there was no necessity for Velusamy to eye the land belonging to Selvam. He further produced a copy of certificate issued by the Village Administrative Officer to the effect that the land in patta No.802 is in the name of Velusamy.

7. This Court carefully perused the documents and found that the certificate given by the VAO does not even bear any date and the documents enclosed in the typeset of papers only show that Velusamy has applied for petrol bunk license by executing a Notarized affidavit and making necessary payments. But the fact remains that Velusamy and Krishnamoorthy were actively involved in instigating Nagalakshmi to get the land by a hook or by crook in her name from the deceased Selvam, as could be seen from the suicide note left by the deceased.

8. Learned counsel for the petitioners submitted that the defacto complainant had agreed to withdraw the case in Crime No.70 of 2015, when he appeared before the Police on 03.02.2015 and in this regard, learned counsel for the petitioners also submitted the statement given by the defacto complainant to that effect to the Inspector of Police, All Women Police Station, Manaparai.

9. On a careful scrutiny of the records, the family members of Nagalakshmi had brutally attacked Selvam resulting in a case in Crime No.70 of 2015 being registered against them under Sections 147, 294(b), 323, 324, 355, 427 and 506(ii) IPC. As a counter blast, Nagalakshmi has given a complaint, as if the deceased Selvam tried to molest her. Velusamy and Krishnamoorthy are very powerful persons in the Village and have money and muscle power. They have intimidated the defacto complainant to see that the case in Crime No.70 of 2015 is withdrawn and thus obtained a letter from his, which has been filed in Page No.35 of the typed set of papers.

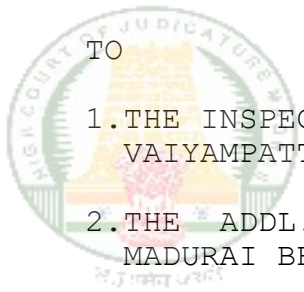
10. On a perusal of the letter, it is not in the handwriting of the defacto complainant or Selvam / deceased. The letter discloses the Crime Number and the provisions of Indian Penal Code, which will not be known to an ordinary Indian villager like Selvam and his son Venkatesh. Therefore, this Court is able to see that the petitioners, who are very influential have managed to obtain such a letter from the defacto complainant by threat or coercion. When they can do such things, if anticipatory bail is granted to them, they may even completely obliterate all the evidences in this case.

11. Learned counsel for the petitioners submitted that some of the accused in this case were arrested and released on bail. That cannot be a good reason to grant anticipatory bail to these petitioners in a case of such grave nature. Hence, both the Criminal Original Petitions are dismissed.

sd/-
23/03/2015

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



TO

1. THE INSPECTOR OF POLICE
VAIYAMPATTI POLICE STATION, TRICHY DISTRICT.
2. THE ADDL. PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

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+2 CC to M/S.M.SIDDHARTHAN Advocate SR.Nos.13957 & 13956

ORDER

IN

CRL OP(MD) Nos.4528 and 4529 of 2015

Date :23/03/2015

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