

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Thirtieth day of October Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice P. KALAIYARASAN

CRIMINAL ORIGINAL PETITION No.21350 of 2017

and CRL.MP.NO.13166/2017

ANNALAKSHMI,

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
UDUMALPET POLICE STATION,
CR.NO.194 OF 2016.

[RESPONDENT]

VELUSAMY

[PETITIONER/INTERVENER /
FATHER IN LAW OF DEFACTO COMPLAINANT]

(AS PER ORDERED OF THIS COURT DATED 30/10/2017 MADE IN
CRL.MP.13166/2017 IN CRL.OP.21350/2017)

For Petitioner : M/S.I.ABRAR MD ABDULLAH Advocate

For Respondent : MR. C.EMALIAS, ADDL. PUBLIC PROSECUTOR

For INTERVENER : M/S.J.SARAVANA VEL, Advocate

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as second accused in Cr.No.194 of 2016 of Udumalpet Police Station for the offences under Sections 147, 148, 307, 302, 109 IPC and Section 3 (2) (Va) of the SC/ST (Prevention of Atrocities) Amendment Act, 2015 has filed this bail petition.

2. It is averred in the petition that the petitioner has been in custody from 28.03.2016. Her only son Gowtham doing Degree course is facing financial crisis and he is not in a position even to pay the college fee. Her presence to look after the needs of her son is very much essential. The trial would not come to an end in near future and therefore, she may be released on bail.

3. Learned Public Prosecutor opposes this petition contending that only at the instigation of the petitioner murder took place due to inter-caste marriage that took place between the daughter of the petitioner and the deceased boy. The trial has been completed and

when the matter was posted to fix the date for Judgment, third accused who is none other than the brother of this petitioner moved an application to re-open the case and the matter is now posted for fixing the date for Judgment. It is further contended that the victim girl is still under tight security of the police and due to the threat she has moved to another District and already there are two FIR's as to the threat made to the witnesses on the side of the accused in this case.

3. The learned counsel appearing for the intervenor also reiterated the contentions raised by the learned Public Prosecutor.

4. While dismissing the earlier bail petition on 28.07.2017, it was observed that the petitioner is at liberty to move this Court if the trial is not completed within the stipulated time, i.e., end of September 2017.

5. Admittedly the trial has now been completed and when the matter was posted for fixing the date for Judgment, an application was moved by the third accused to re-open the case. Therefore at the instance of the accused, the case was re-opened and even after re-opening the case, the case is now posted for fixing the date for Judgment.

6. Considering the stage of the case, nature of the offence, alleged impact on the society, threat posed to the victim and the fact that the sense of insecurity that forced the victim to shift her place of abode to another District in spite of the protection given by the police, this Court is of the view that this is not a fit case to enlarge the petitioner on bail.

In the result, this Criminal Original Petition is dismissed.

-sd/-
30/10/2017

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
UDUMALPET POLICE STATION,
TIRUPPUR DISTRICT

+1 CC to M/S.J.SARAVANA VEL, Advocate on payment of necessary
charges-Sr.20200

CRL OP.21350/2017
and CRL.MP.NO.13166/2017

Date :30/10/2017

ths : 03.11.2017