



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

Friday, the Eighth day of December Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL A(MD) No.491 of 2017

S.SELVAN

... APPELLANT/PETITIONER/
ACCUSED NO.2

Vs

STATE REP.BY,
THE DEPUTY SUPERINTENDENT OF POLICE,
THENI SUB DIVISON,
P.C.PATTI POLICE STATION,
THENI DISTRICT.
CRIME NO. 801/2017.

... RESPONDEN/RESPONDENT/
COMPLAINANT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to Call for the records and Set-aside the order passed in CR. M.P No. 3888/2017 in Cr. No. 801/2017 dated 04.12.2017 passed by the Principal District and Sessions Judge, Theni, Theni district and enlarge the Petitioner on bail.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.R.SURIANARAYANAN, Advocate for the petitioner and of MR.C.MAYILVAHANA RAJENDRAN, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

The appellant / A2, who is arrested and remanded to judicial custody on 22.11.2017, for the offences punishable under Sections 147, 294(b), 506(i) of IPC and Section 4 of TNCEI Act & Sections 3 (1)(r)(s) and 3(2)(va) of SC/ST (POA) Amendment Act 2015, in Crime No.801 of 2017, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the de-facto complainant and her husband borrowed hand loan from the accused herein and the accused said to have demanded the loan amount with interest and hence, the appellant along with other accused were said to have threatened the de-facto complainant's family on 19.11.2017 and thereafter, on 22.11.2017 the accused have abused by using filthy language and also the caste name of the de-facto complainant. Hence, the de-facto complainant's family consumed poison and they were admitted in the hospital and now the de-facto complainant's family members were discharged from the hospital and investigation



is still pending. He would further submitted that the appellant also given a sum of Rs.3,00,000/- as loan to the de-facto complainant and her husband and he has issued legal notice by demanding the said amount from the de facto complainant's family.

3. The learned counsel for the appellant would submit that the alleged occurrence took place on 19.11.2017 in the presence of the villagers, but the FIR was registered on the basis of the written complaint only on 22.11.2017. The appellant has not committed any offence as alleged by the prosecution.

4. The learned Additional Public Prosecutor appearing for the respondent on instruction would submit that there are totally five accused in this case and the appellant herein is arrayed as A2. A2 to A5 were arrested and remanded in judicial custody and A1 is still absconding. The appellant was arrested and remanded to judicial custody on 22.11.2017.

5. Considering the facts and circumstances of the case and also considering the fact that, A1 is still absconding and the remaining accused are still in custody and investigation is still pending, this Court is not inclined to grant bail to the appellant at this stage. Hence, this Criminal Appeal Petition shall stand dismissed.

sd/-
08/12/2017

/ TRUE COPY /

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

TO

- 1 THE PRINCIPAL DISTRICT AND SESSIONS JUDGE, THENI
- 2 THE DEPUTY SUPERINTENDENT OF POLICE,
THENI SUB DIVISON, P.C. PATTI POLICE STATION,
THENI DISTRICT.
- 3 THE SUPERINTENDENT, CENTRAL JAIL, MADURAI
- 4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL A(MD) No.491 of 2017
Date : 08/12/2017

PK/PM-PN/SAR-1/15.12.2017 : 2P/5C