



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.12.2017

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE A.M.BASHEER AHAMED

Crl.A.(MD)No.494 of 2017

1.S.Selvan

2.Lakshmanan

3.Kaliappan

... Appellants/Accused Nos.2&3/
Rank Not Known

Vs.

1.The State Rep.by
The Deputy Superintendent of Police,
Theni,
Theni District.

2.The Sub-Inspector of Police,
Palanichettypatti Police Station,
Theni District,
(Crime No.801 of 2017)

3.Sukatha

4.Saravanan

5.Vaishnavi

6.Vaisali

... Respondents

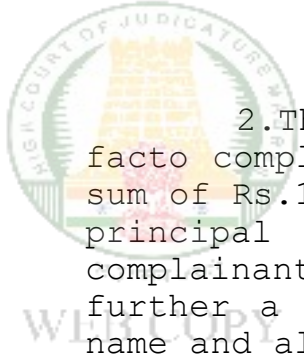
PRAYER: Criminal Appeal filed under Section 14(2) of SC / ST Act, to set aside the order in Cr.M.P.No.3887 of 2017 on the file of the Principal Sessions Judge, Theni dated 04.12.2017 and enlarge the appellants on bail in connection with the Crime No.801 of 2017 on the file of the 2nd respondent Police.

For Appellant : Mr.J.Jeyakumaran

For Respondent : Mr.Mayilvahana Rajendren, APP

JUDGMENT

The appellants, who were arrested on 22.11.2017 for the offence punishable under Sections 147, 294(b), 506(i) IPC & Section 4 of Tamil Nadu Prohibition Charging Exorbitant Interest Act & Section 3(1) (f) (S) & 3(2) (Va) of SC/ST (POA) Act, 2015 in Crime No.801 of 2017 on the file of the respondent Police, seek bail.



2. The case of the prosecution is that the husband of the de facto complainant has borrowed a sum of Rs.2,00,000/- from A1 and a sum of Rs.1,70,000/- was paid towards interest and subsequently, the principal amount of Rs.2,00,000/- also paid by the de facto complainant's husband. On 19.11.2017 the accused have demanded further a sum of Rs.2,00,000/- and abused him by using the caste name and also made a threat with dire consequences. Thereafter, the de facto complainant and her family members due to their threat, consumed poison for committing suicide on 22.11.2017, however, they were admitted in a hospital and also a complaint to that effect was received during the complainant is in treatment. The de facto complainant and her family members were discharged from the hospital.

3. The learned Additional Public Prosecutor appearing for the respondent Police on instruction would submit that totally there are 5 named accused and 2 unnamed accused in this case and the appellants herein are arrayed as A2, A3 & A6 respectively. He further submitted that A1, A4 & A5 are still absconding in this case and an appeal moved for granting bail before this Court by the 1st petitioner was dismissed. He also submitted that investigation is still pending.

4. The learned counsel for the appellants submitted that the husband of the de facto complainant borrowed a sum of Rs.2,00,000/- from A1 & A5 each and to that effect, cheques were given to both the accused and they have initiated 138 Negotiable Instruments Act proceedings against the husband of the de facto complainant and the Trial Court has acquitted the accused and on appeal, the husband of the de facto complainant was sentenced to undergo one year imprisonment. Against the order passed by the Appellate Court, the husband of the de facto complainant preferred a Criminal Revision case before this Court and suspension of sentence was also ordered and Criminal Revisions are pending. He further submitted that the de facto complainant and her family members have given a false complaint against the accused in this case and the appellants were arrested on 22.11.2017 and they are now in judicial custody. The learned counsel for the appellants has made an endorsement for withdrawing this Criminal Appeal in respect of the 1st petitioner / A2.

5. Considering the facts and circumstances of the case and also considering the fact that A1, A4 & A6 are still absconding in this case and the alleged threat made by the accused and de facto complainant and his family members, who have tried for committing suicide by consuming poison, this Court is not inclined to grant bail to the appellants at this stage. Accordingly, this appeal is dismissed.

Sd/-

Assistant Registrar ((W))



To
WEB COPY

1.The Principal Sessions Judge,
Theni

2.The Deputy Superintendent of Police,
Theni,
Theni District.

3.The Sub-Inspector of Police,
Palanichettypatti Police Station,
Theni District,

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai

5.The Officer-in-Charge, Sub-Jail, Periyakulam, Theni District

+One cc to Mr.J.Jeyakumaran, Advocate, SR.No.92444

gns
RL/7C/3P/JC/SAR1/5/1/2018

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