

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.05.2020

THE HON'BLE MR.JUSTICE T.RAVINDRAN

CRL.OP.NO.7611 of 2020

Rajasekaran Petitioner/Accused No.1

Vs.

State rep. by

Inspector of Police,

Paravakottai Police Station,

Thiruvarur District,

Crime No.388 of 2020

..... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of his arrest in Crime No.388 of 2020 on the file of the Inspector of Police, Paravakottai Police Station, Thiruvarur District.

For Petitioner : Mr. Swami Subramanian

For Respondent : Mr.T.Shunmuga Rajewaran,
Government Advocate.

ORDER

Apprehending arrest for the offences punishable under sections 294(b), 323 and 506(i) IPC read with section 4 of TNPHW Act, in Crime No.388 of 2020 on the file of the respondent police, the petitioner has come forward with the petition seeking for Anticipatory Bail.

2. Briefly stated, according to the prosecution, the defacto complainant is the daughter in law of the brother of the first accused/petitioner and A2 is the son of the first accused and it is put forth that the defacto complainant had demanded the return of the amount given by her to the petitioner/A1 and when the petitioner/A1 refused to return the amount, she complained the same to the village elders and being enraged over the same, according to the prosecution, the accused on the date of occurrence abused the defacto complainant in filthy language and A2 caught hold of her hair and torn her jacket with hands and pushed her down and further, his father, namely, the petitioner/A1 attacked the defacto complainant on the left shoulder with bricks and threatened her with dire consequences and thereby committed the offences put forth against them.

3. According to the petitioner's counsel, the petitioner has been falsely implicated in the case and only due to the family problems, the case has been falsely lodged by the defacto complainant and he has not committed any offence put forth against him and the defacto complainant has been discharged from the hospital and he is ready to cooperate with the investigation and abide with any condition that may be imposed by this Court and accordingly, prayed for the appropriate relief.

4. Per contra, according to the learned Public Prosecutor, the offences levelled against the petitioner/A1 and A2 are serious in nature and the investigation is still pending and the first accused is still absconding and according to him, if the petitioner/A1 is granted bail, he may cause obstacles to the process of ongoing fair and proper investigation and also flee from justice and therefore, strongly opposed the relief sought for by the petitioner.

5. Considering the nature of the crime put forth against the petitioner and the stage of the investigation and considering the insult and attack inflicted by the accused upon the defacto complainant on account of the demand of return of the amount advanced by her and the apprehension of

the prosecution that the grant of pre-arrest bail in favour of the petitioner would cause obstacles to the process of fair and free investigation, not to be easily discarded, in all, at this stage of the matter, I am not inclined to grant the relief sought for by the petitioner.

6. Accordingly, the criminal original petition is dismissed.

15.05.2020

Index : Yes/No

Internet : Yes/No

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To:

1. The Inspector of Police,
Paravakottai Police Station,
Thiruvarur District,
Crime No.388 of 2020

2. The Public Prosecutor, High Court, Madras.

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T.RAVINDRAN,J

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