

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.06.2020

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.NO.8318 of 2020

Gnanam @ Gnanaprakasham ,
S/o Arumugam,
Vazhaipazha Street,
Mannan Nagar,
Vadakkuthu,
Cuddalore District.
Petitioner/A2

Vs.

State rep by
The Inspector of Police,
Neyveli Town Police Station,
Cuddalore District.

... Respondent

Prayer : Criminal Original Petition filed under Section 438 Cr.P.C., to enlarge the petitioner on bail in the event of arrest in Crime No. 196 of 2020 on the file of the respondent police.

For Petitioner : Mr.K.Gandhi Kumar

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

The Petitioner who is apprehending to arrest by the respondent police for the offences punishable under Section 306 of IPC in Crime No. 196 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that defacto complainant lodged a complaint before the respondent alleging that her husband was doing contract work at Chennai. Due to the business loss, her husband returned back to Neyveli and doing lorry business. In the year 2017, he received a sum of Rs.30,000/- and Rs.68,000/- from the first accused and regularly paying the interest. Due to default of payment, one lorry was taken by the first accused for the loan amount and the deceased tried to sell another lorry. At that time, the accused persons had taken the lorry and also the RC book. Thereafter, the accused persons have threatened the deceased and demanded a sum of Rs.4,75,000/- . On 12.04.2020 at about 12 pm, the petitioner along with first accused threatened the deceased with dire consequences to pay the said sum or otherwise they will finish the life of entire family members. Again on 13.04.2020, the first accused through phone call, threatened the

deceased and also demanded the payment. Again on 14.04.2020, the first accused went to the house of the deceased and threatened with dire consequences if not paid the entire amount by 12 pm, he along with the second accused will finish the life of the deceased and family members. Therefore on 14.04.2020, the deceased committed suicide by hanging himself.

3. The learned counsel for the petitioner has submitted that there are totally two accused in which the petitioner is arrayed as A2. The first accused was already arrested and released on bail. The second accused is nothing to do with the crime as alleged by the prosecution, since he is no way connected with the occurrence. Only on the statement recorded from the first accused, he has been falsely implicated in this case. Even according to the prosecution, on 14.04.2020, the first accused alone went to the house of the deceased and threatened him with dire consequences and also demanded the payment of Rs.4,75,000/-. Therefore, soon before his death, there was absolutely no over tact against the petitioner and as such he sought for anticipatory bail.

4. The learned Additional Public Prosecutor has submitted that there are two accused in which the petitioner arrayed as the second accused. The petitioner already involved in the murder case and the same was ended in acquittal. Therefore, utilizing his service by the first accused, both of them threatened the deceased with dire consequences and also threatened to finish the life of all the family members of the deceased on 12.04.2020 at about 12 pm. Thereafter on 14.04.2020, the first accused went to the house of the deceased and threatened, as if the amount not paid at about 12 pm, he along with other accused, namely the petitioner herein would do away the entire life of the family members. Therefore, the deceased has committed suicide by hanging himself on 14.04.2020. Therefore, there is a specific overt act against the petitioner and he vehemently opposed to grant anticipatory bail to the petitioner.

5. It is seen that there are totally two accused, in which the first accused was already arrested and released on bail. Petitioner is the second accused and admittedly he involved in one murder case and the same was

ended in acquittal. The first accused engaged the second accused and threatened the deceased and also demanded the payment which was given by the first accused to the deceased. In this regard, on 12.04.2020, the petitioner along with the first accused, threatened the deceased and demanded the payment of Rs.4,75,000/-. Again on 13.04.2020, the first accused threatened the deceased through phone call and demanded the payment. On 14.04.2020, the first accused went to the house of the deceased and threatened the deceased with dire consequences and demanded payment at 12 pm otherwise he and the second accused will murder the family members of the deceased. Therefore, the deceased committed suicide on 14.04.2020 itself.

6. Considering the facts and circumstances, and also it is seen that already the petitioner filed anticipatory bail petition before this Court and the same was dismissed, this Court is not inclined to grant anticipatory bail to the petitioner. Hence the Criminal Original Petition is dismissed.

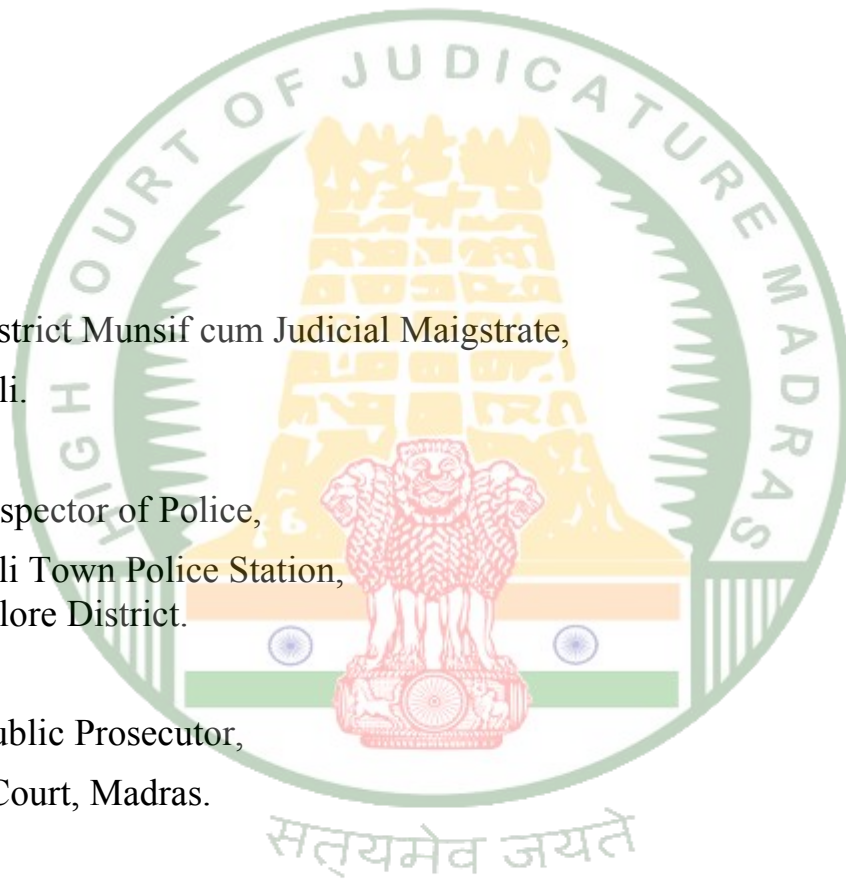
23.06.2020

Internet: Yes/No

mfa

To

- 1.The District Munsif cum Judicial Maigstrate,
Neyveli.
2. The Inspector of Police,
Neyveli Town Police Station,
Cuddalore District.
- 3.The Public Prosecutor,
High Court, Madras.



WEB COPY



G.K.ILANTHIRAIYAN.,J.

mfa

CrI.O.P.No. 8318 of 2020

WEB COPY

23.06.2020