

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :01.07.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No.8547 of 2020

V.Govindasamy

... Petitioner

Vs.

State Rep. By
The Inspector of Police,
G-3 Police Station,
Melmaruvathur,
Madurantakam Taluk,
Kancheepuram District.
Crime No.819 of 2020.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest in Crime No.819 of 2020 on the file of the respondent police.

For Petitioner : Mr.C.Prabakaran

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

ORDER

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 302, 323 of IPC and Section 4 of the Women Harassment Act in Crime No.819 of 2020 seeks anticipatory bail.

2. The case of the prosecution is that on 29.05.2020 the petitioner along with three other accused persons have attacked the deceased by hands and pull down, due to which the deceased fell down and he sustained grievous injuries and gone to unconscious. Thereafter, while proceedings to hospital he died. Hence the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is aged about 72 years, already he had undergone surgery on 30.04.2018 and he has suffering from various elements due to his old age. Even according to the case of the prosecution other accused persons have attacked the deceased by their hands and as far as the petitioner is concerned he has nothing to do the crime as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that all the accused persons have attacked the deceased by their hands and pull him down. Thereafter, he sustained grievous injuries and while going to hospital he died. He further submitted that, when the petitioner came to the first accused house, she complained about the deceased person asking question about getting huge smoke while burning the old clothes. Later, the petitioner and other accused persons called the deceased and attacked him by their hands. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. It is seen that there are totally 4 accused persons, the petitioner is arrayed as A4, he is having illegal intimacy with the first accused. On the day of occurrence the first accused has burning some old clothes and it created huge smoke. It was questioned by the deceased. The petitioner and other accused persons attacked the deceased by their hands and also pull him down. Thereafter, he sustained grievous injuries and died. As such as, the petitioner has specific overt act in this case under Section 302.

6. Taking into consideration the nature of offence committed and also a specific overt act against the petitioner, this Court is not inclined to grant anticipatory bail to the petitioner.

7. Accordingly, this Criminal Original petition stands dismissed.

-sd/-

01/07/2020

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 PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

2 THE INSPECTOR OF POLICE
G-3 POLICE STATION,
MELMARUVATHUR, MADURANTAKAM TALUK,
KANCHEEPURAM DISTRICT.

CC to M/S.C.PRABAKARAN Advocate on payment of necessary charges

CRL OP.8547/2020

Date :01/07/2020

TA-28/07/2020

<https://hcservices.ecourts.gov.in/hcservices/>