

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.08.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.12829 of 2020

C. Ilayakumar

... Petitioner

Vs.

State rep. by
The Inspector of Police,
Alangayam Police Station,
Tirupattur District.
(Criem No.251/2019)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code to enlarge the petitioner on bail in the event of his arrest in connection with Crime No.251 of 2019 on the file of the respondent police.

For Petitioner : Mr. D. Jagadessan

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

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 294(b), 506(i), 302 of I.P.C. and later it was altered into 147, 294(b), 323, 506(i), 302, 363, 120(b) of I.P.C and Section 5 of the Tamil Nadu Forest Act, 1882 and Section 36(A) of Timber Transport Rules in Crime No.251 of 2019 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per defacto complainant/Malliga is that due to non payment of money the accused Illayaraja and Ilayakumar had come to her house and abused her with filthy language and asked her to send her son out and thereafter the other five accused have come to the house and abused the defacto complainant and also assaulted her son with hands and legs. The defacto complainant and her husband and her daughter in law had attempted to intervene and to stop the quarrel, at that time, the accused Ilayakumar had pulled her daughter in law's hair and assaulted her cruelly, due to which the defacto complainant's daughter in law sustained injuries and fell down. The defacto complainant and her family members had

taken her daughter in law to the hospital, where she was declared brought dead.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He would submit that the petitioner is serving in the Indian Army and he was not present in the scene of occurrence and he prays for granting of anticipatory bail.

4. The learned Additional Public Prosecutor would submit that due to money dispute regarding non payment of salary for cutting trees, the accused have gone to the house of the defacto complainant and abused and assaulted the defacto complainant's son, when the defacto complainant's husband and her daughter in law tried to intervene and stop the quarrel, the petitioner assaulted them. The specific allegation against the petitioner is that the petitioner pulled the hair of the defacto complainant's daughter in law and assaulted her due to which she had fallen down and died. He would submit that there is specific overtact against the petitioner.

5. Heard both sides and perused the materials available on record.

6. Taking into consideration the facts and circumstance of the case that the victim had died due to the assault committed by the petitioner, this Court is not inclined to grant anticipatory bail to the petitioner.

7. In view of the above, this criminal original petition stands dismissed.

-sd/-
24/08/2020

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.

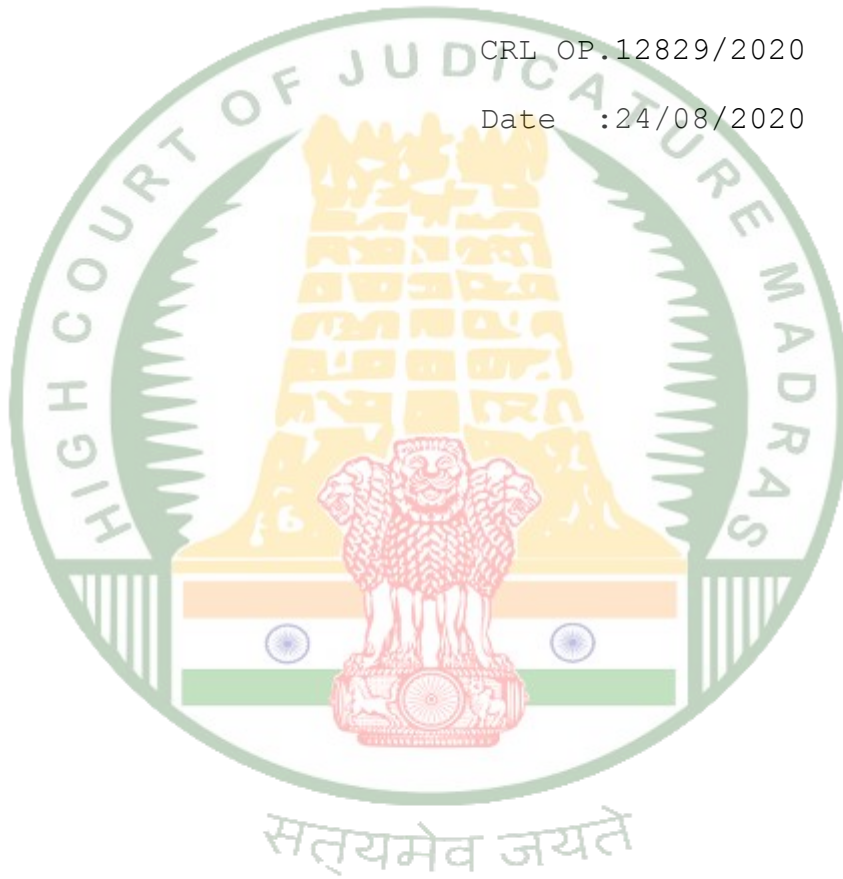
2 THE INSPECTOR OF POLICE,
ALANGAYAM POLICE STATION,
TIRUPATTUR DISTRICT.

CC to M/S.D.JAGADEESAN Advocate on payment of necessary
charges

CRL OP.12829/2020

Date :24/08/2020

MK:09/09/2020



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