

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.Nos.13853 and 13783 of 2020

1. Michael

2. Akash @ Dheenu

3. Dinesh @ Appu

... Petitioners in both Crl.O.Ps.

Vs.

State represented by,

The Inspector of Police,

F-5, Pathirivedu Police Station,

Thiruvallur District

(Crime Nos.1023 and 1004 of 2020) ...Respondent in both Crl.O.Ps.

Common Prayer: Criminal Original Petitions are filed under Section 439 Cr.P.C. to enlarge the petitioners on bail in Crime Nos.1023 and 1004 of 2020, on the file of the Inspector of Police, F-5, Pathirivedu Police Station, Thiruvallur District.

For Petitioners in both Crl.OPs.: Ms.Sathya Sai Easwari
for Mr.P.Chandrasekar

For Respondent in both Crl.O.Ps.: Mr.Shunmugarajeswaran
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

In Crl.O.P.No.13783 of 2020, the petitioners were arrested and remanded to judicial custody on 11.08.2020, for the offence punishable under **Sections 147, 324, 506(ii) of IPC and section 4 of TN Prohibition of Harassment of women Act and Section 3(2) of TNPPDL Act**, in Crime No.1004 of 2020, on the file of the respondent police, seek bail.

In CrI.O.P.No.13853 of 2020, the petitioners were arrested and remanded to judicial custody on 11.08.2020, for the offence punishable under **Section 306 IPC** in Crime No.1023 of 2020, on the file of the respondent police, seek bail.

2. **In CrI.O.P.No.13783 of 2020**, the case of the prosecution as per the defacto complainant Venkatesan is that on 06.08.2020, the petitioners and others abused with filthy language and assaulted the defacto complainant. Hence the complaint.

3. **In CrI.O.P.No.13853 of 2020**, the case of the prosecution as per the defacto complainant Venkatesan is that on 09.08.2020, the petitioners and others abused the mother of the defacto complainant due to which, she committed suicide in front of the Panchayat. Hence, the complaint.

4. The learned Counsel for the petitioners would submit that the petitioners and the defacto complainant are relatives and there was a land dispute between them in respect of which, the earlier complaint given by the defacto complainant was registered in Crime No.1004 of 2020 and on the complaint given by the petitioners, a counter case was registered against the defacto complainant in Crime No.1005 of 2020. While so, for the reasons best known, the mother of the defacto complainant Venkatesan committed suicide on 09.08.2020 and the petitioners have been falsely implicated. She would further submit that the petitioners have not abetted or abused the mother of the defacto complainant and only due to property dispute, a false complaint has been given against the petitioners. She would further submit that the petitioners have been suffering incarceration from 11.08.2020 and seeks for grant of bail to the petitioners.

5. The learned Government Advocate (CrI. Side0 would submit that the petitioners and the defacto complainant are relatives. On previous occasion i.e. On 06.08.2020, the petitioners had abused and assaulted the defacto complainant on the complaint given by the defacto complainant, a case was registered by the respondent police in Crime No.1004 of 2020. Thereafter, Panchayat was conducted in the village. Even thereafter, the petitioners have abused the mother of the defacto complainant due to which, she committed suicide by self immolation in front of the Panchayat. He would further submit that the investigation is at the initial stage. Hence, he vehemently opposed for grant of bail to the petitioners.

6. Taking in to account the nature of offence and the investigation is at the initial stage, this Court is not inclined to grant bail to the petitioners for the present. Accordingly, these Criminal Original Petitions stand dismissed.

-sd/-
07/09/2020

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
GUMMUDIPOONDI.

2 THE OFFICER INCHARGE,
SUB-JAIL, THIRUTHANI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
F-5, PATHIRIVEDU POLICE STATION,
THIRUVALLUR DISTRICT.

CC to M/S. P.CHANDRASEKAR Advocate on payment of necessary charges

CRL OP.13853/2020

Date :07/09/2020

MK:15/09/2020

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