

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

Cr1.O.P.No.14785 of 2020

C.Ilayakumar

... Petitioner

Vs.

The State Represented by,
The Inspector of Police,
Alangayam Police Station,
Tirupattur District.
(Cr.No.251 of 2019)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioner on bail in the event of his arrest in Connection with the Crime No.251 of 2019 pending on the file of the respondent police.

For Petitioner : Mr.S.Iyappan

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. 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) (E) 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 Illayakumar 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 Illayakumar 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 hence, he prays for granting of anticipatory bail.

4. The learned Additional Public Prosecutor would submit that this Court heard the submission of the earlier counsel for the petitioner at length and passed a detailed order in CrI.O.P.No.12829 of 2020 dated 26.08.2020. He would further submit that there is no change of circumstances in this case and there was a specific allegation as against the petitioner that the victim had died due to the assault committed by the petitioner. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

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

6. Taking into consideration the facts and circumstances of the case and that the victim had died due to the assault committed by the petitioner and there is no change of circumstances in this case, this Court is not inclined to grant anticipatory bail to the petitioner.

7. Accordingly, this criminal original petition stands dismissed.

-sd/-
22/09/2020

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 JUDICIAL MAGISTRATE,
NO.III, TIRUPPATUR.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

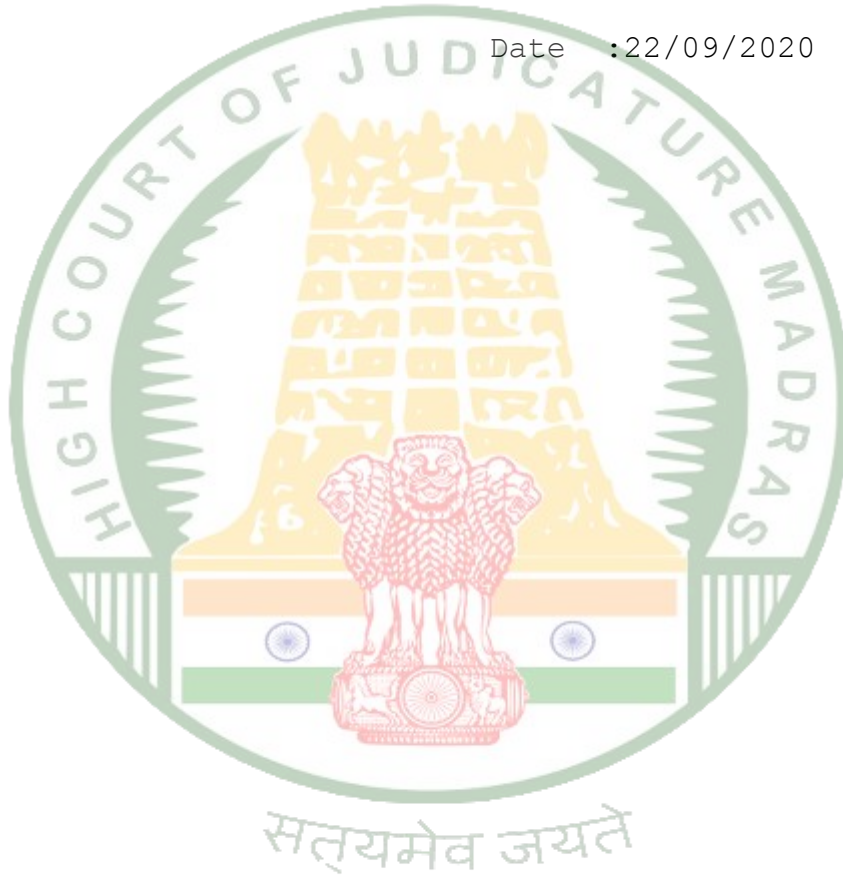
3 THE INSPECTOR OF POLICE,
ALANGAYAM POLICE STATION,
THIRUPATHUR DISTRICT.

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

CRL OP.14785/2020

Date :22/09/2020

cs 28/09/2020



WEB COPY