

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.16004 of 2020

P.Madhan Prabhu

... Petitioner

Vs.

State rep by
The Inspector of Police
B2, R.S.Puram Police Station
Coimbatore
(Crime No.1102 of 2020)

...Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No.1102 of 2020 on the file of the respondent.

For Petitioner : Mr.K.Govi Ganesan

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 17.09.2020 for the offence punishable under Sections 307, 120, 147, 148, 34 IPC in Crime No.1102 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant George Antony Noyal is that on 14.09.2020, his friends one Kavitha and her husband Madhan Prabhu had met him near Kokkarakko hotel to hand over the loan amount given by him. Thereafter, he was sitting in his car. Suddenly, two unknown person had come there and had assaulted him indiscriminately with knife due to which, he sustained injuries and Kavitha and Madhan Prabhu had admitted him in the hospital. Thereafter, during the course of investigation, it came to light that the said Kavitha and the Madhan Prabhu had engaged hirelings and through them attacked the defacto complainant.

3. The learned counsel appearing 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 the husband of Al/Kavitha and the said Kavitha had borrowed Rs.20 lakhs from the defacto complainant. The defacto complainant had asked for return of money and that the petitioner and his wife had gone near

Kokkarakko Hotel to hand over the money to the defacto complainant and there is no reason for the petitioner to engage hirelings and to attack the defato complainant since they have already made the repayment and a false complaint has been foisted against the petitioner. He would submit that the petitioner was arrested on 17.09.2020 and he has been suffering incarceration since then. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently oppose stating that the defacto complainant is a money lender and there was a money dealing between the defacto complainant and the petitioner and his wife/A1. On 14.09.2020 at about 10 p.m. when the defacto complainant was near Kokkarakko hotel, the petitioner along with his wife Kavitha had met him and returned the money borrowed by them. At that time, unknown persons had come and attacked the defacto complainant indiscriminately with knife. Thereafter, the petitioner and his wife Kavitha/A1 admitted him in the hospital. He would submit that during the course of investigation, it came to light that the wife of the petitioner had borrowed Rs.20 lakhs from the defacto complainant. Apart from borrowing money from the defacto complainant, they also introduced and recommended the defacto complainant to lend money to A3 and A4 who are their friends and in order to avoid repayment, the petitioner along A1, A3 and A4 engaged hirelings to do away the defacto complainant pursuant to which, when the defacto complainant was sitting in his car near Kokkarakko hotel, one of the hireling went there and cut him indiscriminately due to which, he sustained 15 cut injuries. He would submit that it is a pre-planned attempt made on the defacto complainant. Further, it came to light that the petitioner has had telephonic conversation with the hirelings and the call details are also available. He would submit that the payments have been made to the hirelings through Google pay and bank accounts and that totally Rs.1.50 lakhs have been transferred to the accounts of the hirelings. He would submit that the defacto complainant sustained 15 cut injuries. However, due to Covid pandemic, he has been discharged from the hospital and he is still under treatment and that the investigation is pending.

5. Taking into consideration the nature of offence and the injuries sustained by the defacto complainant and the fact that the investigation is in the initial stage, this Court is not inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition stands dismissed.

-sd/-

09/10/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

TO

1 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

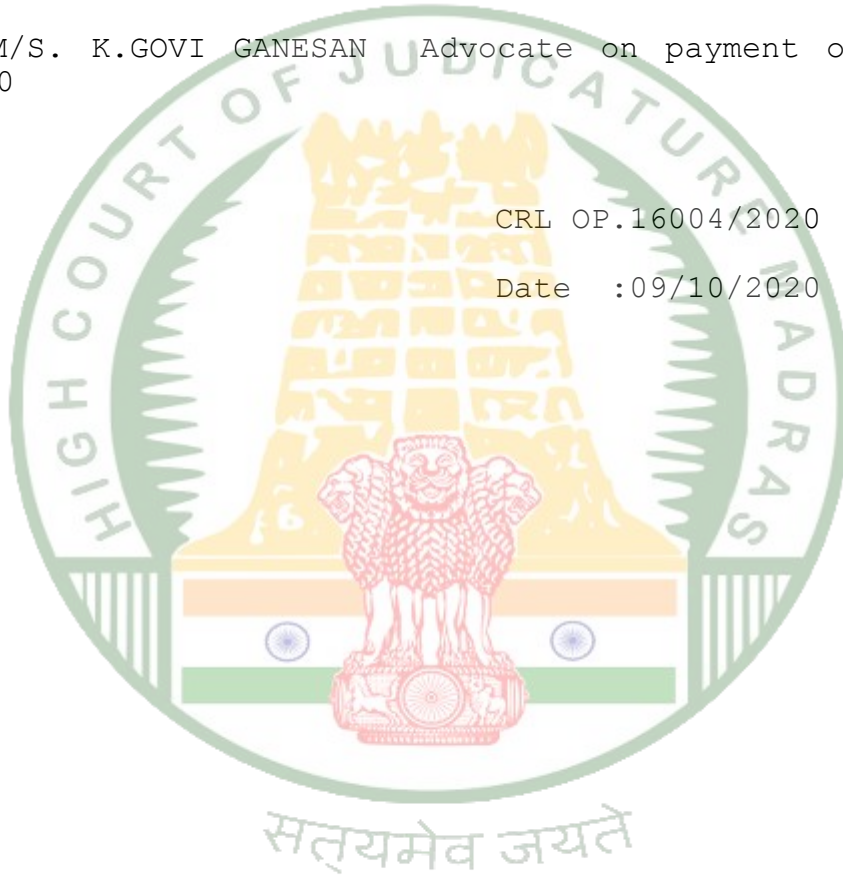
3 THE INSPECTOR OF POLICE,
B2, R.S.PURAM POLICE STATION,
COIMBATORE.

CC to M/S. K.GОВI GANESAN Advocate on payment of necessary
charges Sr.6910

CRL OP.16004/2020

Date :09/10/2020

RVR 16/10/2020



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