

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.10.2020

CORAM :

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

CRL.O.P.No.16692 of 2020

Vairavel

... Petitioner/2nd Accused

Vs.

State Rep by Inspector of Police,
Thiruchengode Town Police Station,
Namakkal District.
(Crime No.1341 of 2020)

... Respondent /Complainant

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in connection with the Crime No.1341 of 2020 on the file of the respondent police.

For Petitioner : Mr.R.Nalliyappan

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

ORDER

(The cases have been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 23.08.2020 for the offence punishable under Section 174 Cr.P.C. and 306 IPC @ into Sections 306, 354 (A)(1)(ii) of IPC and 4 of Tamilnadu Prohibition Charging Exorbitant Interest Act, in Crime No.1341 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant Mani is that his daughter Menaga was married to one Subramani and they have got two children and that due to family situation, they had borrowed money from several persons. Thereafter, due to Covid, they were unable to repay the amount and thereby, the persons who had given loans, have harassed them due to which, her daughter and son-in-law along with their family attempted to commit suicide. Unfortunately, his daughter Menaga and son-in-law Subramani died and their children were saved. During the course of investigation, it came to light that the accused have harassed the victims and also have given sex torture to the daughter of the defacto complainant due to which, they have committed suicide.

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 further submit that the victims had borrowed money from the petitioner as well as from several other persons whereas, the petitioner has been falsely implicated in this case. He

would further submit that the petitioner was arrested on 23.08.2020 and that he has been suffering incarceration for two months since then. Hence, he prays for grant of bail.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently oppose stating that the petitioner who is arrayed as A2 in this case along with A1/Iyyasamy had given loan to the daughter and son-in-law of the defacto complainant. Thereafter, due to Covid, they were unable to repay the amount and thereby, the accused have harassed and given sex torture to the daughter of the defacto complainant. Unable to bear the torture, the daughter and son-in-law of the defacto complainant along with their family attempted to commit suicide. Unfortunately, the daughter and son-in-law of the defacto complainant died and the children were saved. He would further submit that the deceased Menaga has also left a suicide note specifically implicating the petitioner alleging that he had given sex torture to her for non payment of loan.

5.Taking into consideration the nature of offence and the fact that the name of the petitioner has been specifically mentioned in the suicide note, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition stands dismissed.

-sd/-

28/10/2020

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 SUPERINTENDENT,
CENTRAL PRISON, SALEM

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE,
THIRUCHENGODE TOWN POLICE STATION,
NAMAKKAL DISTRICT.

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

CRL OP.16692/2020

Date :28/10/2020

RVR 05/11/2020