

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.16809 of 2020

Kavitha

... 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 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.1102 of 2020 on the file of the respondent police.

For Petitioner : Mr.K.Govi Ganesan

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

O R D E R

(The cases have been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 17.09.2020 for the offences punishable under Sections 307, 120, 147, 148, 34 of 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, the petitioner who is his friend along with 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 the petitioner and her husband Madhan Prabhu had admitted him in the hospital. Thereafter, during the course of investigation, it came to light that the petitioner and the said 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 she has been falsely implicated in this case. He would submit that admittedly the petitioner had borrowed Rs.20 lakhs from the defacto complainant. Thereafter, the defacto complainant had asked for return of money and thereby, the petitioner along with her husband 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 she 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 her husband/A2. On 14.09.2020 at about 10 p.m. when the defacto complainant was near Kokkarakko hotel, the petitioner along with her husband Madhan Prabhu 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 her husband admitted him in the hospital. He would submit that during the course of investigation, it came to light that the the petitioner had borrowed Rs.20 lakhs from the defacto complainant. Apart from borrowing money from the defacto complainant, she also introduced and recommended the defacto complainant to lend money to A3 and A4 who are her friends and in order to avoid repayment, the petitioner along A2, 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 had a 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 the investigation is pending and that the bail application of A2 Madhan Prabhu was dismissed by this Court recently on 09.10.2020 vide Crl.O.P.No.16004 of 2020.

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 and the bail application of A2 was dismissed by this Court recently on 09.10.2020, this Court is not inclined to grant bail to the petitioner.

6. 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 PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

2 THE INSPECTOR OF POLICE,
B-2, R.S.PURAM POLICE STATION,
COIMBATORE.

+1CC to M/S.K.GОВI GANESAN Advocate on payment of necessary charges SR NO.7148

CRL OP.16809/2020

Date : 28/10/2020

MK:03/11/2020

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