

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.11.2020

CORAM :

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

Crl.O.P.No.17339 of 2020

Govindharaj

... Petitioner

Vs.

State by

The Inspector of Police
Gurubarapalli Police Station
Krishnagiri District
(Crime No.815 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.815 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr.M.Jayachandran

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 10.10.2020 for the offence punishable under **Section 174(3) of Cr.P.C. later altered into Section 306 IPC** in Crime No.1586 of 2020, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Anandan is that his son Suresh Kumar was working as a Goldsmith and that he had subscribed to a chit run by A1 and thereafter, he was unable to repay the amount. While so on 05.10.2020, the defacto complainant's son Suresh Kumar had come to the defacto complainant's house and later he was found dead after consuming poison. Originally the case was registered for offence under Section 174 Cr.P.C. Later, during the course of investigation, it came to light that the victim had taken chit from A1 and thereafter, he was unable to repay the money. Thereby, A1 along with A2, and the petitioner/A3, took the victim to a godown and assaulted him and obtained signatures in blank bond papers.

Further, they have videographed the incident and sent it to the wife of the deceased. Unable to bear the torture and humiliation, the victim after recording his dying declaration in video, died by consuming poison.

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 since, he happens to be the friend of A2 who is the friend of A1. Even as per the prosecution, the petitioner is said to have taken the alleged video. Other than that the petitioner has not done anything. He would further submit that the petitioner was arrested on 10.10.2020 and he has been suffering incarceration for more than 25 days. Hence, he prays for grant of anticipatory bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police would vehemently oppose stating that the victim had subscribed to a chit run by A1 and thereafter, he was unable to pay the amount. Thereby, A1 along with other accused took him to a godown owned by A1 and assaulted him and obtained signatures in blank bond papers. He would further submit that they have videographed the entire incident and sent it to the wife of the deceased. Due to the harassment and humiliation, the victim committed suicide after recording his dying declaration in a video. He would submit that the petitioner is the person who had videographed the entire incident and that the investigation is at the initial stage.

5. Taking into account the nature of offence and the fact that the investigation is at the initial stage, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this Criminal Original Petition stands dismissed for the present.

-sd/-

05/11/2020

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

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TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

2 THE OFFICER INCHARGE
SUB JAIL, HOSUR

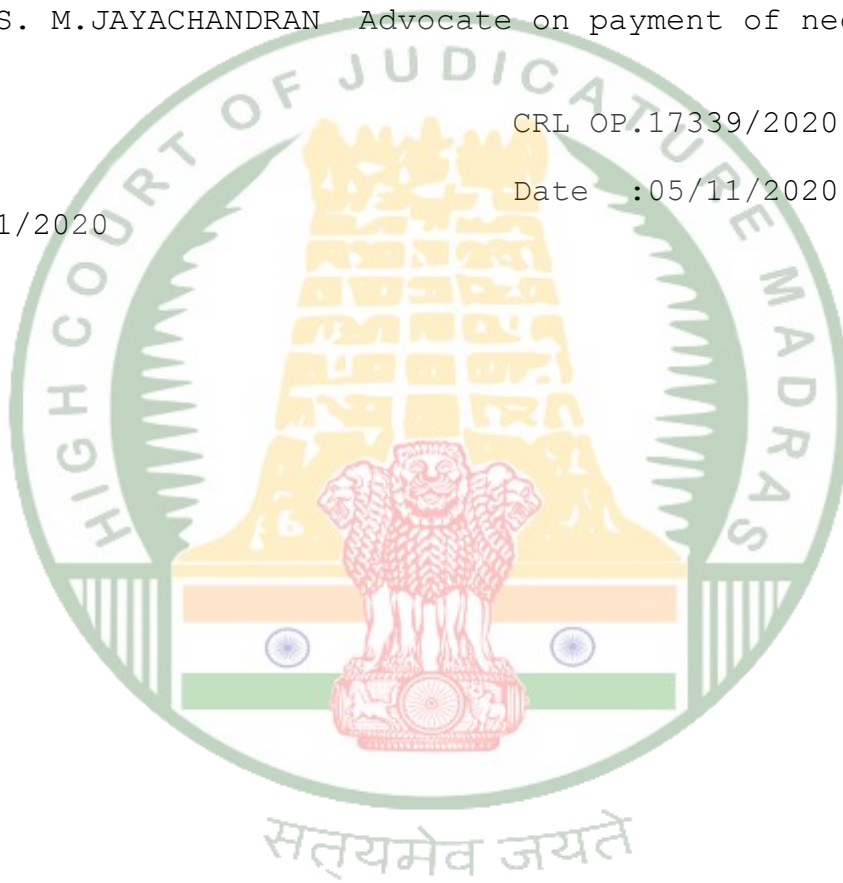
3 THE INSPECTOR OF POLICE,
GURUBARAPALLI POLICE STATION,
KRISHNAGIRI DISTRICT

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

CRL OP.17339/2020

Date :05/11/2020

RVR(GKS):23/11/2020



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