

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.11.2020

CORAM :

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

CRL.O.P.No.17411 of 2020

KAMAL

... Petitioner

Vs.

State: Represented by
The Inspector of Police,
Guruparapalli Police Station,
Krishnagiri District.
(Crime No.815 of 2020)

... Respondent

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

For Petitioner : Mr.G.Punniakoti

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 10.10.2020 for the offences punishable under Sections 174(3) Cr.P.C @ 306 of IPC, in Crime No.815 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant Anandhan 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 the petitioner/A2 and 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 a 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 A1. 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 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 repay the amount. Thereby, A1 along with the petitioner and A3, took him to a godown owned by A1 and assaulted him and obtained his signatures in blank bond papers. He would further submit that they have also 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 further submit 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 bail to the petitioner. Accordingly, this Criminal Original Petition stands dismissed for the present.

-sd/-

06/11/2020

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 OFFICER INCHARGE,
SUB-JAIL, HOSUR.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
GURUPARAPALLI POLICE STATION,
KRISHNAGIRI DISTRICT.

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

CRL OP.17411/2020

Date :06/11/2020

MK:01/12/2020

<https://hcservices.ecourts.gov.in/hcservices/>