

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.18079 of 2020

Y P John David Paul

... Petitioner

Vs.

State Represented by :-

The Inspector of Police,
Thiruninravur Police Station,
Cr. No.640 of 2020

.... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., praying to enlarge the petitioner on Anticipatory bail in the event of his arrest, concerned in Crime No.640 of 2020, pending on the file of the Respondent police.

For Petitioner : Mr.S.Thirukkumaran

For Respondent : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 324, 307 and 506(2) of IPC in Crime No.640 of 2020, on the file of the Thiruninravur police station, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Pushparaj is that he is a painter and his wife is engaged in selling fruits in a push cart. While so, one Sakthivel had borrowed a sum of Rs.2,00,000/- from the defacto complainant and he had repaid the amount of Rs.1,19,000/- and he died without repaying the balance amount of Rs.81,000/-. Therefore, the defacto complainant has asked the balance amount from the wife of the said Sakthivel. Following which, the wife of the deceased along with other accused have called the defacto complainant over phone and threatened him not to ask for the balance amount. Thereafter, on the date of occurrence, the accused had called the defacto complainant and informed him to come and collect the money. When the defacto complainant had gone to collect the money, the accused had assaulted him with knife and caused injuries. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent persons and he has been falsely implicated in this case. He further submitted that this is the second

application for anticipatory bail and the earlier petition was dismissed by this Court vide Crl.O.P.No.16036 of 2020 dated 09.10.2020. He would further submit that the allegation against the petitioner is that he had supported the main accused and that the injured has been discharged from the hospital. Hence, he prays for grant of anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that this Court had dismissed the earlier application for anticipatory bail on the ground that the petitioner has got four previous cases of similar nature and that there is no change in circumstances. Hence, he vehemently opposed for grant of anticipatory bail.

5. Considering the nature of offence and the antecedents of the petitioner and the fact that the earlier application was dismissed by this Court on 09.10.2020 and there is no change in circumstances, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

-sd/-

18/11/2020

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 PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

2 THE INSPECTOR OF POLICE,
THIRUNINDRAYUR POLICE STATION.

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

CRL OP.18079/2020

Date :18/11/2020

RVR 10/12/2020