

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.12.2020

CORAM :

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

CRL.O.P.No.19233 of 2020

Natarajan

... Petitioner

-Vs

State rep by

The Sub Inspector of Police,  
Peranamallur Police Station  
Thiruvannamalai District  
(Crime No.14 of 2020)

...Respondent

**Prayer:** Criminal Original Petition is filed under Section 439 of Crl.P.C, to enlarge the petitioner on bail pending investigation in Crime No.14 of 2020 on the file of the respondent police.

For Petitioner : Mr.V.R.Appaswamee

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 17.10.2020 for the offence punishable under **Section 174(1) Cr.P.C. altered into Section 376, 302, 201, 379 IPC** in Crime .No.14 of 2020, seeks bail.

2. The case of the prosecution as per the defacto complainant Dhivakar is that on 07.01.2020, his mother had gone to the field and she was found missing. During search, the body of the mother of the defacto complainant was found into a well and it was recovered. Based on which, on 08.01.2020, the case was originally registered for offence under Section 174(1) Cr.P.C. Later, during the course of investigation, it came to light that some unknown person had committed rape of the mother of the defacto complainant and committed the murder and also stolen the jewels worn by her. Later, on 17.10.2020, the petitioner who is a neighbor of the deceased was arrested.

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 petitioner was all along living in the same village. He would submit that the alleged occurrence is said to have been taken place on 08.01.2020. Since, the respondent was unable to fix the accused, they have falsely fixed the petitioner and based on the confession stated to have been recorded while in custody, remanded him on 17.10.2020. He would submit that the petitioner has been suffering incarceration for more than 52 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 it is case of rape and murder. The petitioner who is the neighbor of the deceased, had raped her and later murdered her. Thereafter, to screen the offence, has thrown the body into a well. He would further submit that the petitioner had also committed theft of jewels from the deceased and based on his confession, the jewels were recovered and that the investigation is at the initial stage.

5. Taking into consideration, the nature of offence and the fact that the petitioner was arrested only on 13.10.2020 and that the investigation is pending, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition stands dismissed.

-sd/-

07/12/2020

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 SUB-INSPECTOR OF POLICE,  
PERANAMALLUR POLICE STATION,  
THIRUVANNAMALAI DISTRICT.

2 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

3 THE SUPERINTENDENT,  
CENTRAL PRISON, VELLORE.

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

CRL OP.19233/2020

Date :07/12/2020