

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.20323 of 2020

Baskar @ Auto Baskar

..Petitioner

Vs.

State by

The Inspector of Police

Mailam Police Station

Villupram District

(Crime No.1897 of 2020)

....Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No.1897 of 2020 on the file of the respondent police.

For Petitioner : Mr.D.Ashokkumar

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 02.12.2020 for the offences punishable under Sections 294(b), 448, 342, 506(ii) and 307 of IPC and Section 3(1) of TNPPD Act, in Crime No.1897 of 2020, seeks bail.

2. The case of the prosecution as per the as per the defacto complainant Narayanan is that he had borrowed an amount of Rs.12 lakhs from the petitioner and that he was regularly paying the interest. Thereafter, due to Covid, his business was dull and that he was unable to pay the interest. While so, on 30.11.2020 at about 6.30 p.m., while the defacto complainant's wife was alone at home, the accused come to his house, abused her in filthy language and threatened her and also locked the door of the house by keeping her inside the house. Further, the accused have threatened the parents of the defacto complainant stating that they would assault the defacto complainant. On hearing the news, the defacto complainant went back his home and secured his wife. At that time, the accused attempted to assault him with Aruval and since he moved away, he escaped from the attack.

3.The learned Counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He would submit that the defacto complainant had borrowed an amount of Rs.12 lakhs from the petitioner and in order to evade

repayment, a false complaint has been given. He would further submit that absolutely there is no injury to the defacto complainant and the entire case is a fabricated one and that the petitioner has been suffering incarceration from 02.12.2020. 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 petitioner is a habitual offender against whom there are seven previous cases. Further, the petitioner has been arrested very recently on 02.12.2020 and the investigation is at the initial stage.

5. Taking into account of the fact that the petitioner is a habitual offender against whom there are seven previous cases and the petitioner has been arrested very recently on 02.12.2020 and that the investigation is at the very initial stage, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition stands dismissed.

-sd/-

18/12/2020

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 OFFICER INCHARGE,
SUB JAIL, TINDIVANAM

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
MAILAM POLICE STATION,
VILLUPURAM DISTRICT.

CC to D.ASHOKKUMAR Advocate on payment of necessary charges

CRL OP.20323/2020

Date :18/12/2020

RVR 11/01/2021