



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Ninth day of November Two Thousand Twenty One

PRESENT

The Hon`ble Mrs Justice T.V. THAMILSELVI

CRIMINAL ORIGINAL PETITION No.21019 of 2021

SANKAR

[PETITIONER / ACCUSED]

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
UDAYARPALAYAM POLICE STATION,
ARIYALUR DISTRICT.
CRIME NO.419/2021.

[RESPONDENT]

For Petitioner : M/S.K.GANDHI KUMAR Advocate

For Respondent : MR.N.S.SUGANTHAN, Counsel for Government Advocate,
(Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

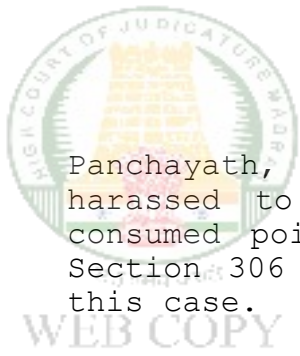
ORDER : The Court Made the following order :-

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 174 Cr.P.C @ into Section 306 IPC in Cr.No.419 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant's father namely Subramanian had got some amount as hand loan from one Natarajan through the petitioner on behalf of one Senthil. After receiving the amount, the said Senthil absconded and not returned the amount. Therefore, due to mental agony, his father consumed poison and died on 21.09.2021. Initially the case was registered under Section 174 Cr.P.C. Later on investigation, it was found that 20 days prior to the occurrence, a Panchayath was conducted by the said Natarajan in which the petitioner also participated. In the said



Panchayath, the father of the defacto complainant was compelled and harassed to repay the amount and hence, the defacto complainant consumed poison and died. Subsequently, the case was altered into Section 306 IPC and the petitioner and 4 others were implicated in this case.

3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He would further submit A1 has been granted anticipatory bail by this Court in CrI.O.P.No.20417 of 201 by order dated 29.10.2021 and A3 was arrested and released and bail by this Court in CrI.O.P.No.20600 of 2021 dated 01.11.2021. Hence prays for grant of anticipatory bail.

4. The learned Government Advocate raised strong objection stating that the petitioner is arrayed as A2. A4 in this case has been arrested and he is still in custody and that the said Senthil who is actually involved in this case is still absconding.

5. Considering the nature of offence and the fact that the accused Senthil who is actually involved in this case is still absconding, this Court is not inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this Criminal Original Petition is dismissed.

-sd/-

09/11/2021

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 INSPECTOR OF POLICE,
UDAYARPALAYAM POLICE STATION,
ARIYALUR DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.K.GANDHI KUMAR Advocate on payment of necessary charges

CRL OP.21019/2021

Date :09/11/2021

RW 18/11/2021