



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Wednesday, the Twenty Second day of December Two Thousand Twenty One

WEB COPY

PRESENT

The Hon`ble Mrs Justice T.V. THAMILSELVI
CRIMINAL ORIGINAL PETITION No.25182 of 2021

1 A.SURESH
2 R. PRAKASH

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
CHETPET POLICE STATION,
TIRUVANNAMALAI DISTRICT.
(CRIME NO.1018/2021)

[RESPONDENT]

For Petitioner : M/S S.B.VISWANATHAN Advocate

For Respondent : MR. N.S.SUGANTHAN, Govt. Advocate (Crl. Side)

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner who was arrested and remanded to judicial custody on 11.12.2021 for the offence under Section 306 IPC in Crime No.1018 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that Defacto complainant's son one Dakshina/ the deceased was one of the subscribers in the chit conducted by the 1st petitioner and he was liable to pay a sum of Rs.13,000/- to the 1st petitioner. While being so, the petitioner along with other accused went to house of the deceased and took his Auto Rickshaw for non payment of the above said amount. Therefore, the defacto complainant gave a complainant before the respondent police, and after negotiation, the deceased agreed to pay the amount on or before 30.11.2021 and took back his auto rickshaw. Subsequently, on 01.12.2021, the deceased, instead of repaying the disputed amount, went to the Superintendent of Police, Thiruvannamalai, to lodge a complaint and on the same day at about 3 p.m., the defacto complainant received a call from the office of the Superintendent of Police, Thiruvannamalai, stating that his son Dakshina consumed poison and got fainted and admitted in hospital. Subsequently, after 4 days of treatment i.e. on 05.12.2021, the deceased died in the hospital. Hence, the complaint.



3. The learned counsel for the petitioners would submit that the petitioners are no way connected with the alleged offence and the petitioners have been falsely implicated in the above case. He would further submit that the petitioners have been suffering incarceration for more than 11 days from 11.12.2021 and hence he would pray for grant of bail to the petitioners.

4. The learned Government Advocate (Crl. Side) raised strong objections stating that the petitioners are arrayed as A1 and A3 and that the other accused / A2, A4 and A5 have been absconding and that the investigation is pending.

5. On seeing the nature of allegations in the FIR and the fact that the investigation has not been completed and 3 of the other accused are still absconding, this Court is not inclined to grant bail to the petitioners. Accordingly, this Criminal Original Petition is dismissed.

-sd/-
22/12/2021

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,
CHETPET POLICE STATION,
TIRUVANNAMALAI DISTRICT.

2 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

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

CRL OP.25182/2021

Date :22/12/2021

INBA-05/01/2022