



WEB COPY

CRL OP(MD). N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 12/08/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.14217 of 2022

Rajivgandhi, ... Petitioner/Accused (Rank Not Known)

Vs

State Rep by
The Inspector of Police,
Lalgudi Police Station,
Trichy District.
Crime No.195 of 2022.. ... Respondent/Complainant

For Petitioner : M/s. Lenin Kumar.T,
Advocate.

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No. 195 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 174 Cr.P.C., @ Section 306 I.P.C., in Crime No.195 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant's husband and her two sons were working as brick cutter in the petitioner's brick kiln. On 28.05.2022, the petitioner abused the defacto complainant and her family members as they did not cut the brick properly and also the petitioner attacked the defacto complainant's husband and threatened him to consume pesticide, due to that the defacto complainant's husband consumed pesticide and died. Hence, the complaint.



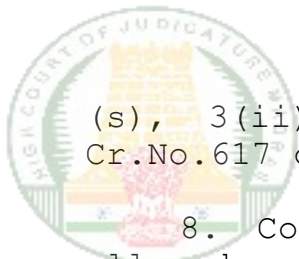
3. The petitioner's case is that he is running a brick kiln in the name and style of NRK Chamber at Anbil, in which, so many local people are working, that the complainant and the deceased were working in the brick kiln, that the deceased received advance of Rs.1,50,000/- from the petitioner to work in the chamber in 2020, that the deceased was a drunkard and he used to have liquor daily at night hours, that the deceased, after receiving money, did not turn up to come to chamber, that the petitioner requested the complainant and the deceased to return the money, but they evaded to come to chamber and did not return the money and that the deceased with an intention to evade repaying the amount, consumed poison.

4. The learned Counsel for the petitioner would submit that when the deceased was taken to hospital, he gave a statement to the Doctor that he consumed poison in the brick chamber, that the complainant has not lodged any complaint soon after the occurrence and the complaint was lodged after the complainant's husband succumbed to the poison, that the deceased has not made any allegation against the petitioner when he was admitted in the hospital, that the complainant has now lodged the complaint falsely implicating the petitioner only to extract money and that the petitioner never attacked the deceased and his family members.

5. The learned Additional Public Prosecutor appearing for the State would submit that the petitioner has himself admitted that he has paid Rs.1,50,000/- to the deceased family and was extracting work in his chamber, that since they have not completed the work on 28.05.2022, the petitioner had beaten the deceased, his wife and sons, that the petitioner also attacked the private part of the deceased with crowbar and that since the petitioner had threatened him that he would finish the family of the deceased, he had consumed poison and subsequently succumbed to the same. The learned Additional Public Prosecutor would further submit that the investigation is pending and there is no change in circumstances since the dismissal of the earlier petition.

6. The learned Counsel for the petitioner would submit that the postmortem certificate does not reveal any external injuries found in the body of the deceased and that therefore, the case of the prosecution that the petitioner had attacked the deceased with crowbar is patently false.

7. The learned Additional Public Prosecutor appearing for the State would submit that the prosecution has recorded the statements from the occurrence witnesses that the petitioner had attacked the deceased at the time of alleged occurrence and that the petitioner is having two previous cases, in which one ended in acquittal and the other case is pending in Spl.S.C.No.3 of 2019, on the file of I Additional District Court, Trichy for the offences under Sections 341, 294(b), 324, 326, 307, 506(ii) I.P.C., r/w 3(1)(r)



(s), 3(ii)(va) of SC ST Act in connection with Lalgudi Cr.No.617 of 2016.

8. Considering the seriousness and gravity of the offences alleged and also the fact that the investigation is not yet completed as stated by the learned Additional Public Prosecutor and that there is no change in circumstances since the dismissal of the earlier petition, this Court is not inclined to grant anticipatory bail to the petitioner at this point of time.

9. In the result, the Criminal Original Petition is dismissed.

sd/-
12/08/2022

/ TRUE COPY /

/08/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SSL

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. The Inspector of Police,
Lalgudi Police Station,
Trichy District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.14217 of 2022
Date : 12/08/2022

TR/PN/SAR-I(17.08.2022) 3P 3C