



CrI.O.P.No.18927 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.09.2023

CORAM

THE HONOURABLE **MR. JUSTICE G.CHANDRASEKHARAN**

CrI.O.P.No.18927 of 2023

Lokidas

... Petitioner

Vs.

The State represented by
The Inspector of Police,
Periyanaickenpalayam Police Station,
Crime No.178 of 2023.

... Respondent

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to set aside the cancellation of Bail Order dated 18.07.2023 made in C.M.P.No.27526 of 2023 by V Judicial Magistrate, Coimbatore and restore the Bail order dated 12.05.2023 made in C.M.P.No.2594 of 2023 by Vacation and Session Judge, Coimbatore.

For Petitioner : Mr.R.P.Ruban Chakravarthy

For Respondent : Mr.S.Rajakumar,
Additional Public Prosecutor



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ORDER

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The Criminal Original Petition in Crl.O.P.No.994 of 2023 is filed to set aside the cancellation of Bail Order dated 18.07.2023 made in C.M.P.No.27526 of 2023 by V Judicial Magistrate, Coimbatore and restore the Bail order dated 12.05.2023 made in C.M.P.No.2594 of 2023 by Vacation and Session Judge, Coimbatore.

2. Learned counsel for the petitioner submitted that, petitioner is an accused in Crime No.178 of 2023 registered for the offences under Sections 448, 307 of IPC and 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002. Petitioner was granted bail in this case on 12.05.2023. However, on a false complaint given on 18.06.2023, alleging that, petitioner had threatened the defacto complainant to withdraw the case given in Crime No.178 of 2023, a complaint was given. On the basis of such complaint, first information report in Crime No.326 of 2023 was registered under Sections 448, 294(b) and 506(2) IPC.

2.1. It is the submission of the learned counsel for the petitioner that, this



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is totally a false case, for the reason that, on 18.06.2023, at about 12.00 p.m., he was present at the respondent police station to comply the condition in pursuance of the bail order passed in C.M.P.No.2594 of 2023. Petitioner is in judicial custody from 12.04.2023 in Crime No.326 of 2023. Thus, he seeks grant of bail to the petitioner.

3. In response, learned Additional Public Prosecutor submitted that, petitioner developed illegal intimacy with one Abirami. Subsequently, Abirami left him and thereafter, petitioner criminally trespassed into the house of Abirami and attacked her. Therefore, first information report in Crime No.178 of 2023 was registered for the offences under Sections 448, 307 of IPC and 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002. While that case is pending, she rejoined with her husband. Thereafter, on 18.06.2023, petitioner trespassed into the house of defacto complainant, who is the father in law of Abirami and scolded him in filthy language and asked for Abirami and threatened to withdraw the case against him, else, he would commit murder of everyone in the family. Therefore, first information report in Crime No.326 of



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2023 was registered for the offences under Sections 448, 294(b) and 506(2) of IPC. Learned Additional Public Prosecutor strongly oppose this bail petition, on the ground that, if petitioner is released on bail, he would threaten the witnesses and it is not safe for the victim.

4. Considered the submissions and perused the records.

4.1. From the facts narrated above, petitioner was an accused in Crime No.178 of 2023 registered for the offences under Sections 448, 307 of IPC and 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002. While he was released on bail, violating the bail condition, he criminally trespassed into the house of the defacto complainant, who is the father in law of Abirami, abused and threatened him to withdraw the case, else, he would murder him and his family members. This Court finds from the submissions of the learned Additional Public Prosecutor that, if the petitioner is released on bail, there is a possibility that he would threaten the witnesses, victim and cause harm to them.



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5. In such circumstances, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

04.09.2023

Internet : Yes / No

Index : Yes / No

Speaking/Non speaking order

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To

- 1.The V Judicial Magistrate, Coimbatore
- 2.The Vacation and Session Judge, Coimbatore.
- 3.The Inspector of Police,
Periyanaickenpalayam Police Station.
- 4.The Public Prosecutor,
Madras High Court.

G.CHANDRASEKHARAN,J.

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