



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/06/2023

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PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . Nos.10855,10949,10856 and 10968 of 2023

Gunalan

... Petitioner/Accused in Crl.O.P(MD)
No.10855 & 10856 of 2023

Balaji

... Petitioner/Accused in Crl.O.P(MD)
No.10949 & 10968 of 2023

Vs

The Sub Inspector of Police,
CBCID Police Station, Sivagangai,
Sivagangai District.
Crime No.1 of 2023..

.. Respondent/Complainant
in Crl OP(MD) 10855 of 2023

The Inspector of Police,
CBCID Police Station, Sivagangai,
Sivagangai District.
Crime No.1 of 2023..

... Respondent/Complainant
in Crl OP(MD) 10949 of 2023

The Sub Inspector of Police,
CBCID Police Station, Pudukottai,
Pudukkottai District.
Crime No.2 of 2023..

.. Respondent/Complainant
in Crl OP(MD) 10856 of 2023

The Inspector of Police,
CBCID Police Station, Pudukottai,
Pudukkottai District.
Crime No.2 of 2023..

.. Respondent/Complainant
in Crl OP(MD) 10968 of 2023



For Petitioner : M/s.Sathish Babu N,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor
(In Crl.O.P(MD) No.10855 and 10856 of 2023)

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For Petitioner : M/s.K.Prabhu
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor
(In Crl.O.P(MD) No.10949 and 10968 of 2023)

PETITIONS FOR BAIL Under Sec.439 of Cr.P.C.

COMMON PRAYER :-

For Bail in Crime No.1 and 2 of 2023 on the file of the Respondent Police.

COMMON ORDER : The Court made the following order :-

The petitioners/A1 and A4 (in Crl.O.P(MD) Nos.10855 and 10949), who were arrested and remanded to judicial custody on 30.05.2023 for the offences punishable under Sections 211,384,389 and 306 of IPC in Crime No.1 of 2023 on the file of the respondent Police, seek bail.

2.The petitioners/A1 and A4 (in Crl.O.P(MD) Nos.10856 and 10968), who were arrested and remanded to judicial custody on 29.05.2023 and 01.06.2023 for the offences punishable under Sections 174 of Cr.P.C @ 306 of IPC in Crime No.2 of 2023 on the file of the respondent Police, seek bail.

3. The case of the prosecution in Crl.O.P(MD) Nos.10855 and 10949 of 2023 is that the petitioner and the other accused said to have extorted a sum of Rs.50,00,000/- from the victim namely deceased by promising him to withdraw the case registered against him in Crime No.4 of 2021 on the file of the Inspector of Police, All Women Police Station, Devakottai, Sivagangai District under the POCSO Act on the complaint give by one minor (xxxxx) D/o. Saravanan. Subsequently keep on torturing him to give more money for the same reason and due to the above said harassment the deceased committee suicide by hanging at the residence of his brother -in -law, hence the case.

4. The case of the prosecution in Crl.O.P(MD) Nos.10856 and 10968 of 2023 is that the brother-in-law of the defacto complainant came to his house on 24.01.2022 and stayed in a room situated in the upstairs of his residence and did not return to the ground floor on the next day morning. When the wife of the defacto complainant



went to the upstairs she found the deceased hanging himself. This is the case.

5. Heard both side and perused the materials available on record including the First Information Report.

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6. It is seen that there are totally 12 accused in this case and the petitioners herein is arrayed as A1 and A4. A4 is the friend of the deceased. Further the A1 is the master mind behind the entire crime and he is the brother of victim's father. Earlier the deceased had illegal intimacy with first accused brother's wife. She had one female child aged about 15 years, however she had no relationship with her husband, since she is not maintaining her. Thereafter she also filed suit for partition as against property of her husband and she was allotted some share. The father of the minor girl lodged complaint as against the deceased under the POCSO Act alleging that he misbehaved with the minor girl, thereafter online complaint was given to the Chief Minister Grievance Cell. It was enquired and subsequently closed as no allegation is made out as against the deceased. Thereafter the first accused herein conspired along with other accused and tutored the victim girl and lodged complaint. On the complaint lodged by the victim girl the Inspector of Police, All Women Police Station, Devakottai for the offence under sections 7 and 8 of POCSO Act, 2012 and section 506(i) of IPC and also under the provisions of SC/ST Act as against the deceased and also the mother of the victim one Saritha. While pending investigation the petitioner and other accused persons threatened the deceased and extorted huge money and they also insisted the mother of the victim to withdraw the suit filed for partition against the family members. That apart when the petitioner and the other accused persons demanded money from the victim he had given complaint. Utilizing the said circumstances they asked for huge money from the deceased and also threatened him with dire consequences. Further in the suicide note of the deceased the deceased had mentioned the name of the petitioner and many other persons in the present case soon before her death there is no instigation /abetment by the petitioner to commit suicide. The deceased committed suicide by hanging. It is also seen that on the instigation of the petitioner and other accused the victim lodged complaint as against the deceased as that he misbehaved with her, due to the said humiliation the deceased committed suicide, therefore custodial interrogation of the petitioner is very much required in this case, hence this court is not inclined to grant bail to the petitioners.



7. In the result, these petitions stand dismissed.

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20/06/2023

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

AAV

TO

1. The Sub Jail
Sivagangai.
2. The Inspector of Police,
CBCID Police Station, Sivagangai,
Sivagangai District.
3. The Sub Inspector of Police,
CBCID Police Station, Sivagangai,
Sivagangai District.
4. The Sub Inspector of Police,
CBCID Police Station, Pudukottai,
Pudukkottai District.
5. The Inspector of Police,
CBCID Police Station, Pudukottai,
Pudukkottai District.
6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP (MD) No.10855,10949,
10856,10968 of 2023
Date :20/06/2023

DL/VS(27.06.2023)/ 4P/ 7C