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CrI.O.P.No.14948 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.06.2024

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CrI.O.P.No.14948 of 2024

1.Srinivasan

2.Sakthivel

3.Mrs.Rani

... Petitioners

Vs.

State rep by its
The Inspector of Police,
Kaveripattinam Police Station,
Krishnagiri – District,
(Crime No.198 of 2024).

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439(1)(b) r/w

482 of Cr.P.C praying to release the petitioners on bail pending investigation in

Crime No.198 of 2024 on the file of the respondent.

For Petitioners : Mr.P.Saravanan

For Respondent : Mr.Meganathan,
Government Advocate (CrI. Side)

* * * * *



ORDER

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2.The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 307 of IPC @ 307, 120(B) of IPC @ 302, 120(B) of IPC in Crime No.198 of 2024, seek bail.

3.The case of the prosecution is that based on the complaint given by the defacto complainant Mrs.Pattammal has lodged the complaint before the respondent/police and stating that one Senthil Kumar (A1) has poured petrol on the defacto complainant's husband and set fire on him and because of the said act, the defacto complainant's husband sustained burnt injuries and admitted in the hospital and later he died in the hospital. Hence the complaint.

4.The learned counsel for the petitioners submitted that the petitioners are no way connected with the alleged offence as stated by the prosecution and due to previous enmity in order to wreck vengeance the defacto complainant gave



false complaint against these petitioner and there is a case in counter in Crime No.196 of 2024. They are in jail for more than 50 days and it is a foisted case and They already moved bail petition before this Court in Crl.O.P.No.12393 of 2024 and the same was dismissed by this Court on 06.06.2024. They hail from a very respectable family and they are ready to offer solvent sureties for their release on bail. Hence, he prays to grant bail to the petitioners.

5.The learned Government Advocate (Crl.Side) appearing for the respondent vehemently opposed to grant anticipatory bail to the petitioners. The accused were assaulted and killed the husband of the defacto complainant by pouring petrol upon him, due to which he sustained burnt injuries and admitted in Hospital and later he died in the Hospital. A1 was released on bail by the Trial Court for the reason that already investigation was completed. But in this case investigation was completed only on 15.06.2024 not on the date bail granted to A1. A1 is the main person who pour petrol upon the husband of the defacto complainant and set fire.

6.Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.side) for the respondent and perused the entire



Crl.O.P.No.14948 of 2024

materials available on record.

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7.Taking into consideration the facts and circumstances of the case and the submissions made by the learned Government Advocate (Crl.Side) and it is seen that investigation was not completed on the date of granting of bail before the Trial Court. On a false representation he was released on bail. Therefore the order passed by the Trial Court was erroneous in respect of A1. However, this Court is not inclined to grant bail to the petitioners. Call for explanation from the Trial Court on what basis bail was granted to A1 when investigation was not completed on the date of granting bail. In view of the same, the learned Principal Sessions Judge, Krishnagiri is directed to submit the explanation on or before 09.07.2024. Report of PDJ by 09.07.2024.

8.Accordingly, this Criminal Original Petition stands dismissed.

26.06.2024

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CrI.O.P.No.14948 of 2027

Copy to

- 1.The Section Officer,
B-Section,
High Court, Madras.
- 2.The Sub Assistant Registrar,
CO Section,
High Court, Madras.
- 3.The Inspector of Police,
Kaveripattinam Police Station,
Krishnagiri – District



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Crl.O.P.No.14948 of 2024

T.V.THAMILSELVI, J.

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Crl.O.P.No.14948 of 2024



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CrI.O.P.No.14948 of 2024

26.06.2024