

IN THE COURT OF THE PRINCIPAL SESSIONS JUDGE,
ARIYALUR SESSIONS DIVISION, ARIYALUR.

PRESENT: Selvi. S. Mahalakshmi, M.L.,
Principal District and Sessions Judge,
Ariyalur.

Tuesday, this the 9th day of November 2021

Cr.M.P.No.4653/2021

Neethiyarasan, (21/2021),

S/o. Selvarasu,

... petitioner/Accused

/Vs/

The State of Tamil Nadu

Represented by the

Sub Inspector of Police,

Kayarlabath Police Station,

In Crime No.421/2021.

... Respondent/Complainant

Intervening petition filed by the Defacto complainant

in Cr.M.P.No.4729/2021

Velayutham,

... Petitioner/Defacto complainant

/VS/

The State represented by the

Sub Inspector of Police,

Kayarlabath Police Station,

Cr. NO.421/2021

... Respondent

This petition coming on this day before me for hearing in the presence of Thiru. K. Siva, Advocate for the petitioner and of Thiru.P.Sanmuham, Public Prosecutor for the state and of Thiru. P. Manmatharaja, Advocate for the intervening petitioner and upon hearing both sides and upon perusing the petition and other relevant records, this court delivered the following;

ORDER

This Petition filed by the petitioner U/s 439 of Cr.P.C for granting bail to the petitioner for offences punishable U/s.147, 148, 294(b), 323, 324, 342, 506(ii) of IPC r/w Sec.4 of Tamil Nadu Prohibition of Harassment of Woman Act. The petitioner is facing charges U/s.147, 148, 294(b), 323, 324, 342, 506(ii) of IPC r/w Sec.4 of Tamil Nadu Prohibition of Harassment of Woman Act. The alleged date of occurrence was on 26.09.2021 and the F.I.R was registered on 28.09.2021. The petitioner was remanded to judicial custody for the past 17 days.

The Learned Counsel for the petitioner would submit before this Court that the petitioner were remanded to judicial custody on 22.10.2021 by the respondent police for the alleged offences U/s.147, 148, 294(b), 323, 324, 342, 506(ii) of IPC r/w Sec.4 of Tamil Nadu Prohibition of Harassment of Woman Act. The petitioner have not committed any offence as alleged by the prosecution and he has been arrested under the false pretext. The petitioner/accused is innocent and law abiding citizens. He would further submit that the petitioner is undertakes to appear before this court and will not abscond or tamper the witnesses in any way. He is also ready to furnish the sureties for his bail. Therefore the accused may be released on bail with any condition.

The Learned Public Prosecutor would submit before this Court that the petitioner/accused are assaulted the defacto complainant and his daughter with sickle. Further he has stated that the offences committed by the petitioner are very grave in nature. The investigation in this case is not yet completed. If the petitioner is released on bail, he may tamper the witnesses. Therefore it would not be conducive released the accused on bail at this stage.

The Learned counsel for the intervener/defacto complainant has contended that the respondent police was registered a case against this accused in

Cr.No.421/2021 for the offence U/s.147, 148, 294(b), 323, 324, 342, 506(ii) of IPC r/w Sec.4 of Tamil Nadu Prohibition of Harassment of Woman Act on 28.09.2021. In the mean time, the petitioner and other co–accused were abused with filthy words and threatened the complainant's daughter with intend to release her photos through social media. Due to the act of the petitioner the complainant's daughter was suffered mental agony, hence she was commit suicide. Further the other co–accused are threatening the complainant's family members and witnesses. Hence this bail application may be dismissed.

Heard both sides. The petitioner/accused are said to have involved in an offence U/s.147, 148, 294(b), 323, 324, 342, 506(ii) of IPC r/w Sec.4 of Tamil Nadu Prohibition of Harassment of Woman Act and a case in crime No.421/2021 of Kayarlabath Police Station has been registered and the accused has been remanded to judicial custody on 22.10.2021. As per the contentions of the written reply submitted by the prosecution side, it came to know that this petitioner was abused and assaulted the defacto complainant and his daughter with sickle. Further the defacto complaint has filed an intervening petitioner it is shows that very grave allegations against the petitioner. The respondent police was registered this case against the accused in Cr.No.421/2021 for the offence U/s.147, 148, 294(b), 323, 324, 342, 506(ii) of IPC r/w Sec.4 of Tamil Nadu Prohibition of Harassment of Woman Act on 28.09.2021. In the mean time, the petitioner and other co–accused were abused with filthy words and threatened her with intend to release her photos through social media. Due to the act of the petitioner the complainant's daughter was suffered mental agony, hence she was committed suicide. Further the respondent police was registered another one case against the petitioner in Cr.No.435/2021 for the offence U/s 305 of IPC, 11(1), 12, of POSCO Act. The offence committed by the petitioner as against the minor girl. The investigation is in the preliminary stage. Considering the grave in nature of the offence said to have

committed by the petitioner/accused, stage of investigation and also the other objections raised by the public prosecutor in his written reply the court is of the considered opinion that the petitioner/accused should not be released on bail at this stage.

In the result, this bail application in Cr.M.P.No.4653/2021 is hereby dismissed. The intervening petition filed by the defacto complainant in Cr.M.P.No.4729/2021 is allowed.

This order was dictated by me in the open Court to the Stenographer and transcribed and typed by her and corrected and pronounced by me in open Court this the 9th day of November 2021.

(Sd./–) Selvi. S. Mahalakshmi,
Principal Sessions Judge,
Ariyalur.

Copy to:

1. The Additional Mahila Court, Ariyalur.
2. The counsel for the petitioner.
3. The counsel for intervener.
4. The Public Prosecutor, Principal District Court, Ariyalur.
5. The Sub Inspector of Police, Kayarlabath Police Station.