

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Tuesday, the Third day of July Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice RMT. TEEKAA RAMAN
CRIMINAL ORIGINAL PETITION No.15698 of 2018
& CRL.MP.NO.8571 OF 2018

P.K.MURUGAN

[PETITIONER / ACCUSED]

Vs

STATE REP. BY
INSPECTOR OF POLICE,
KALLAKURICHI POLICE STATION,
VILLUPURAM DISTRICT.
CR.NO.318 OF 2018

[RESPONDENT]

NARESHKUMAR

[PETITIONER / INTERVENOR]

[Ordered as per order of this Court dated 03/07/2018 made in
CRL.MP.NO.8571 OF 2018 IN CRL.OP.NO.15698 OF 2018]

For Petitioner : MR.P.H.PANDIAN, SENIOR COUNSEL FOR
M/S.R.NALLIYAPPAN Advocate

For Respondent : MR. R.SURYA PRAKASH, Govt. Advocate (Crl. Side)

For Intervenor : M/S.L.R.BALASUBRAMANI Advocate

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/A.2, who was arrested and remanded to judicial custody on 03.05.2018 for the alleged offences punishable under Sections 294(b), 302 and 506(ii) IPC, in Crime No.318 of 2018 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the de facto complainant namely, Naresh Kumar is the brother of the deceased. The deceased is the third wife of one Late Mr.Elayaalvar. The said Elayaalvar initially married one Mrs.Yeshodha and through their wedlock, they got two daughters by name Ambujam and Mahalakshmi. Later, the said Elayaalvar divorced the first wife and developed illicit intimacy with one Hema and thereby, they got two daughters and a son namely, Alamelu, Vijayalakshmi and Hari Govindan. The said Hema left the Elayaalwar in the year 1972 by receiving lifetime maintenance. Pursuant to that, he married the deceased Kumudha and out of their wedlock, a son by name Geethesan was born to them. Subsequent to the marriage, the said Elayaalwar executed a Will of the deceased on

13.12.2002. Later, the said Elayaalwar was died on 10.06.2006 and thereafter, the deceased succeeded the entire immovable properties. Subsequent to that, the deceased appointed the petitioner herein as Manager to the one of the property namely Govindaraja Theater existing at Kallakurichi. When the deceased was planned to demolish the said theater and to dispose the said property, the petitioner and others alleged to have objected the sale process as commenced by the deceased and later the deceased has given a sum of Rs.51,55,000/- as compensation to withdraw the objection made by the petitioner and others. Subsequent to that, the petitioner herein alleged to have created and forged a document and thereby, they were trying to grab the said property. Hence, a civil suit in O.S.No.16 of 2018 was filed and the said suit also decreed in favour of the deceased. In the meantime, the petitioner and legal heirs of the other wives of the said Elayaalwar alleged to have unlawfully entered into the house of the deceased and caused life threat to her. Hence, a complaint was given to Attur police station and the same was registered in Crime No.163 of 2015. Subsequent to that, the deceased seems to have sold the said property to a third party. Under such circumstances, the petitioner herein alleged to have induced the first accused and other accused to commit murder of the deceased.

3. Mr.P.H.Pandian, learned Senior Counsel appearing for the petitioner would submit that there is a delay of three days in filing the FIR and there is no overt act against the petitioner/A.2 and even the confession given by A.1 against the petitioner/A.2 does not lead to any recovery and merely because the petitioner happened to be a relative of A.1, he was robed in in the criminal case and he is in custody and hence, seeks bail.

4. The learned counsel appearing for the de facto complainant/intervenor would submit that there is a criminal conspiracy between A.1 and A.2 and based upon the criminal conspiracy, A.1, A.3 and A.4 have entered into another criminal conspiracy whereby, the deceased was done to death and this petitioner was none other than the Manager of the Theater owned by the deceased. It is further submitted that earlier, criminal intimidation was given for the life of the deceased which resulted in Crime No.163 of 2015 and seeks dismissal of the petition.

5. Learned Government Advocate appearing for the State would submit that the bail application filed by A.3, who has financed A.1 and A.2 for execution of the plan, has been dismissed by this Court. A.1 is the brother's son of A.2. They are related to the deceased. This petitioner/A.2 is a Manager and certain avarments made in the complaint have been focused by the learned Government Advocate.

6. Considering the nature and gravity of the alleged offence and the fact that the investigation is at the crucial stage and also the other materials placed before this Court, I am not inclined to grant bail to the petitioner. Accordingly, this petition, seeking bail, is dismissed.

-sd/-
03/07/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

2 THE INSPECTOR OF POLICE,
KALLAKURICHI POLICE STATION,
VILLUPURAM DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

+1CC to M/S.R.NALLIYAPPAN Advocate on payment of necessary
charges SR NO.12230

+1CC to M/S.C.S.SARAVANAN Advocate on payment of necessary
charges SR NO.12249

CRL OP.15698/2018
& CRL.MP.NO.8571 OF 2018

Date :03/07/2018

MK:05/07/2018