

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.11.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.23569 of 2018

A.Raji ... Petitioner

Vs.

1. State by:

The Inspector of Police,  
Auroville Police Station,  
Villupuram District

2. Chandirasekaran

3. Selvakumar

4. Partheeban

5. Kumaresan

6. Ananthan

7. Mohan

... Respondents

Criminal Original Petition filed under Section 439 (2) Cr.P.C. to cancel the bail granted by the learned Principal Sessions Judge, Villupuram to the respondents 2 to 7 in Crl.M.P.No.6420 of 2018 dated 20.09.2018.

For Petitioner : M/s.P.T.Perumal

For Respondents : M/s.M.Prabhavathi,  
Additional Public Prosecutor for R1  
: Mr.S.Karthikeyan for RR2 to 7

WEB COPY  
O R D E R

This petition is filed to cancel the bail granted to respondents 2 to 7 in Criminal M.P.No.6420 of 2018 by an order dated 20.09.2018 by the learned Principal Sessions Judge, Villupuram.

2. The learned counsel for the petitioner/defacto complainant submits that on 30.07.2018, the petitioner lodged a complaint stating that he is the brother of the deceased and also alleging that there was a dispute with regard to expansion of M/s.Shasun Pharmaceuticals Limited, Peryakalpet, Pondicherry which was opposed by the

respondents 2 to 6 herein. Hence, there was an enmity between the deceased and the accused persons. On 30.07.2018 at about 12.45 p.m., when the deceased was riding his Vespa scooter in ECR to puducherry road, two accused persons came in a motorcycle, and hacked his brother's neck and went away. Thereafter he was taken to hospital, but died. The learned counsel for the petitioner further submits that the respondents 2 to 7 and other accused were individually paid for the execution of murder and totally four lakh rupees were collected and paid to one, Mohanasundaram, who was arrayed as A9 in this case. Further, on enquiry it reveals that in this crime more than 40 persons were involved. The respondents 2 to 7 have come out on bail though they were involved in so many illegal activities. Because of the anti-social and violent activities of the respondents 2 to 7 and their associates, connected to the affairs of the said M/s.Shasun Pharmaceuticals Limited, there was a curfew under section 144 Cr.P.C. clamped by the District Collector, Puducherry. In this background, respondents 2 to 7 violating the curfew order freely roamed the village and also threatened the petitioner / de facto complainant. On 22.09.2018, while the de facto complainant and another eyewitness were standing in the Ganapathy Chettikulam, the second respondent / first accused came in bike and threatened not to give evidence against the accused and challenged if they give evidence against the accused, they will be eliminated like his brother. Thereafter on 30.09.2018, when the petitioner was in a farm land in Kalapet, respondents 2 to 7 came by White Scorpio Car in a rash and negligent manner and stopped the petitioner and threatened with deadly consequences. Thereafter the petitioner lodged a complaint before the Inspector of Police, Kalapet Police Station, Puducherry. Therefore, the petitioner has filed this petition to cancel the bail granted to the respondents 2 to 7.

3. Per contra, the learned counsel for respondents 2 to 7 would submit that in this case they were arrested on 01.08.2018 and remanded to custody. Thereafter only on 20.09.2018, they were enlarged on bail by the Principal Sessions Judge, Villupuram in CrI.M.P.No.6420 of 2018 on the following conditions.

"(i) The petitioners 1 to 6 (A1 to A3, A6 to A8) are ordered to be released on bail on their executing a bond for Rs.10,000/- each with two sureties each for a like sum to the satisfaction of the Judicial Magistrate, Vanur and on condition that the petitioners 1 to 6 (A1 to A3, A6 to A8) shall stay at Villupuram and appear before the Villupuram Town Police Station daily at 10.00 a.m. until further orders."

and as per the conditions imposed by the Principal Sessions Judge, Villupuram, respondents 2 to 7 are residing in Villupuram and reporting before Villupuram Town Police Station

daily at 10.00 a.m. till today. Therefore, they have not violated any conditions imposed by the Principal Sessions Judge, Villupuram. Further he would submit that as alleged by the defacto complainant they never involved in any criminal activities and never threatened the defacto complainant or any other eye-witness. Respondents 2 to 7 have also filed counter reiterating the same.

4. The learned Additional Public Prosecutor appearing for the first respondent/Police would submit that as per the conditions imposed by the learned Principal Sessions Judge, Villupuram, respondents 2 to 7 have complied with all the conditions till today without fail. She would also submit that there is a complaint from defacto complainant seeking protection from the accused persons. Therefore, she is also supporting the case of the defacto complainant to cancel the bail granted to respondents 2 to 7.

5. Heard Mr.P.T.Perumal, the learned counsel for the petitioner/defacto complainant, Mr.S.Karthikeyan, learned counsel for the respondents 2 to 7 and M/s.M.Prabhavathi, the learned Additional Public Prosecutor appearing for the first respondent/Police.

6. On perusal of the documents, it is found that respondents 2 to 7 and some others have involved in the murder of the deceased occurred on 30.07.2018 while the deceased was riding his motorcycle. Considering the above facts and circumstances, the learned Principal Sessions Judge, Villupuram enlarged respondents 2 to 7 on bail in CrI.M.P.No.6420 of 2018 by an order dated 20.09.2018 on certain conditions, which read as follows:

"(i) The petitioners 1 to 6 (A1 to A3, A6 to A8) are ordered to be released on bail on their executing a bond for Rs.10,000/- each with two sureties each for a like sum to the satisfaction of the Judicial Magistrate, Vanur and on condition that the petitioners 1 to 6 (A1 to A3, A6 to A8) shall stay at Villupuram and appear before the Villupuram Town Police Station daily at 10.00 a.m. until further orders."

It also seems that respondents 2 to 7 have complied with all the conditions imposed by the learned Principal Sessions Judge, Villupuram and report before the Town Police Station, Villupuram daily at 10.00 a.m. till today. No ground has been raised by the defacto complainant to cancel the bail granted to respondents 2 to 7. However, it is alleged that some persons threatened the defacto complainant and another eyewitness and in this regard a complaint has also been lodged by the defacto complainant.

7. Considering the facts and circumstances, this Court is not inclined to cancel the bail granted to respondents 2 to 7 by the learned Principal Sessions Judge, Villupuram in Crl.M.P.No.6420 of 2018 by an order dated 20.09.2018, and accordingly this petition stands dismissed. However on the threat of the accused persons, a complaint has been lodged by the defacto complainant, which is pending before the first respondent, hence the first respondent/Police is directed to conduct enquiry on the above complaint.

Sd/-

Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

lok

To

1. The Inspector of Police,  
Auroville Police Station,  
Villupuram District
2. The Additional Public Prosecutor,  
High Court of Madras
3. The Principal Sessions Judge, Villupuram.

+ 1 cc to M/s. P.T. Perumal, Advocate Sr.78510

CRL.O.P.No.23569 of 2018

VSNII(CO)  
EU(12/12/2018)

WEB COPY