

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :05.05.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No.7391 of 2020

1.Midhun @ Midhunkumar
2.Bharathi @ Parthiban
3.Vetri @ Vetrimurugan
4.Mohan @ Mohanraj
5.Deva @ Devaraj
6.Sathiya @ Sivaperumal
7.Kumar @ Krishnakumar
8.Luna @ Karthikeyan
9.Vikki @ Vikneshwar

... Petitioners/Accused 1to 9

Vs.

State Rep. by
The Inspector of Police,
Vadlur Police Station,
Cuddalore District.
Crime No.294/2019.

...Respondent /Complainant

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail pending investigation in Crime No.294 of 2019 on the file of the respondent police.

For Petitioner : Mr.M. Senthamizh Selvan

For Respondent : Mr.Mohammed Riyaz

Additional Public Prosecutor

ORDER

The petitioners, who were arrested and remanded to judicial custody on 18.11.2019 for the offence punishable under Sections 120B, 147, 148, 352, 324, 326, 307, 302 read with 149 IPC in Crime No.294 of 2019 on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 18.11.2019, the defacto complainant lodged a complaint alleging that his wife's brother one Amarnath was released from jail, in connection with a murder case. Thereafter, the defacto complainant had taken him from jail proceeded to a car through car. At that time the deceased went to a car and stopped the car near a tea shop. At that time,

the petitioners/accused persons came there and attacked the deceased with deadly weapons due to which the deceased sustained grievous injuries and died. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that initially only three accused persons have been named in the FIR and thereafter other accused persons have been implicated. Except the second petitioner, other petitioners have been implicated as accused only because they were closely associated with the second accused. The petitioners were no way connected with the alleged offence. He further submitted that now investigation has been completed and the respondent Police have also filed the final report. He further submitted that the petitioners are in judicial custody from 18.11.2019 onwards and hence, he seeks bail for the petitioners.

4. The learned Additional Public Prosecutor submitted that it is a case of retaliation and revenge murder. He submitted that the deceased was in jail for a murder case and while he came out from prison, he was murdered by these petitioners, since the wife of the deceased in that case is the close relative of the second accused. He further submitted that if the petitioners were let out on bail, again the same issue will continue. Therefore, he opposed for grant of bail to the petitioners.

5. Heard both sides.

6. It is seen from the records that the deceased was in jail for a murder case and when he came out from prison, he was attacked by these petitioners with deadly weapons due to which he died. Though in this case, the respondent have completed their investigation and filed the final report, it is pending for committal in PRC.No.3 of 2020, on the file of the learned Judicial Magistrate, Kurinchipadi. If the petitioners were let out on bail, the same issue would continue by the other group of persons, since the murder committed by the petitioners is a case of retaliation. Therefore, this Court is not inclined to grant bail to the petitioners.

7. Accordingly, this Criminal Original Petition is dismissed.

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05/05/2020

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
KURINJIPADI, CUDDALORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VADLUR POLICE STATION,
CUDDALORE DISTRICT.

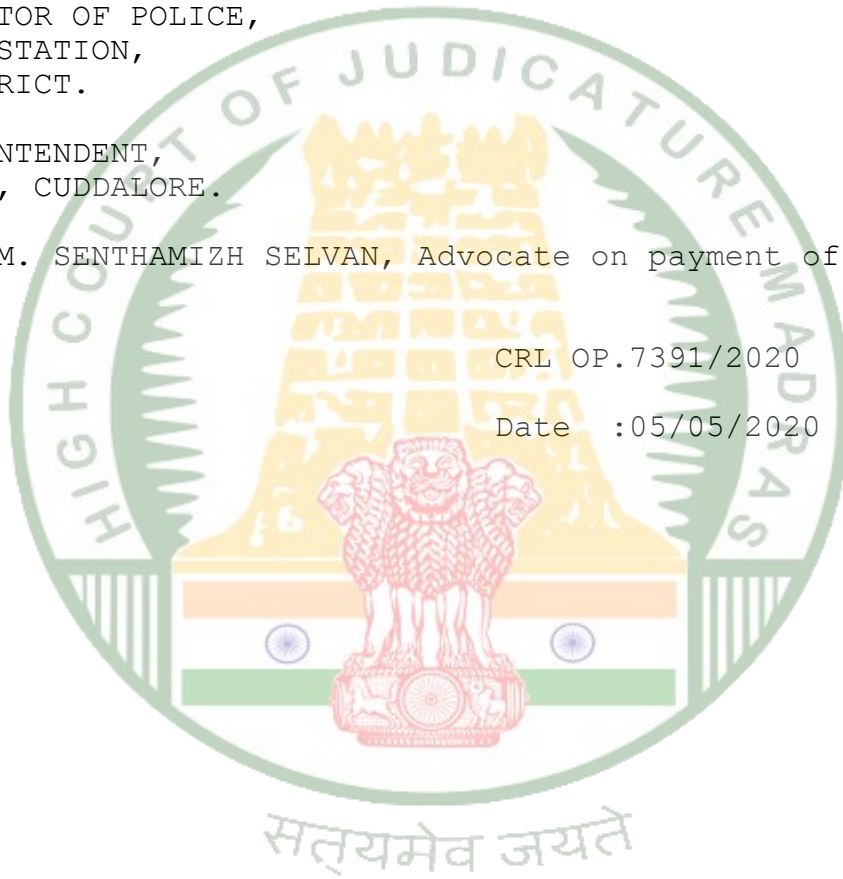
5 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

CC to MR.M. SENTHAMIZH SELVAN, Advocate on payment of necessary
charges

CRL OP.7391/2020

Date :05/05/2020

TA-17/06/2020



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