

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.05.2020

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THE HONOURABLE MR. JUSTICE M. NIRMAL KUMAR

Crl.O.P.No.7451 of 2020

1. P.Saravanan
2. P.Prabhu
3. T.Prakash

... Petitioners

Vs.

State rep. by
The Inspector of Police,
Orakadam Police Station,
Kancheepuram District.
(Crime.No.51/2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the Petitioners on bail in the Crime No.51/2020 on the file of the Respondent police.

For Petitioners : Mr.S.Mohamed Ansar

For Respondent : Mr.S.Karthikeyan,
Additional Public Prosecutor

ORDER

The petitioners, who were arrested and remanded to judicial custody on 10.03.2020 for the offence punishable under Section 174 Cr.P.C. @ 302, 201 IPC in Crime No.51 of 2020 on the file of the respondent police, seek bail.

2. The case of the prosecution is that originally, the case was filed under Section 174 of Cr.P.C., as suspicious death and subsequently, the case was altered to 302 and 201 of IPC.

3. The learned counsel for the petitioner submitted that the first petitioner is the son-in-law of the deceased Dhananchezian and the second and third petitioner are the friends of first petitioner. From 25.01.2020, the said Dhananchezian was found missing. On 18.02.2020, a decomposed body was found near the SIPCOT Orakadam Office. Thereafter, the case under Section 174 of Cr.P.C., came to be registered. The daughter of the deceased had informed that the deceased had attended a marriage on which day she lastly spoke to him and thereafter, he was unable to be contacted. The respondent Police, subsequently, altered into Sections 302 and 201 of IPC, and based on the cellphone tower location, the petitioners were arrested in this case.

4. The contention of the petitioners is that initially, the case under Section 174 Cr.P.C. came to be registered and thereafter, only on suspicion, the petitioners were arrested. The petitioners were nothing to do with the offence.

5. According to the petitioners, the daughter of the deceased had spoken with the deceased on 25.01.2020 and at that time, the deceased had not informed about anything against the petitioners. The respondent Police states that on the alleged date of occurrence, the cellphone tower location indicates that they were near Orakadam and except this, there is no other material, and eye witness and none have stated about the involvement of the petitioners. In fact, the deceased Dhananchezian's wife had given a complaint to the MKB Nagar Police Station, where, there was no mentioning about the petitioners. There was some misunderstanding between the first petitioner and his father-in-law. By taking advantage of the same, the first petitioner has been falsely implicated in this case and the other petitioners, who are the friends of the first petitioner, have also made accused. Hence, he prayed for grant of bail to the petitioners.

5. The learned Additional Public Prosecutor submitted that in this case, the said Dhananchezian was found missing from 25.01.2020 and on that day, he called his daughter and informed that he was attending a marriage function and he would be back and thereafter, he was unable to be contacted. On 18.02.2020, a decomposed body was found near the SIPCOT Orakadam Office in a secluded place. The body could not be identified. From the scene of occurrence, the tower location of the deceased as well the accused clearly shows

that the accused were in Orakadam. Further, on the arrest of the accused, they have given a confession and based on the confession, recovery of wooden logs and nylon rope used in commission of offence recovered. DNA test result awaited, since the identity of the body has to be proved. The investigation is at crucial stage, a brutal murder has taken place. Further, after the murder, the accused had concealed the dead body in a secluded place, which goes to show that well planned murder had been committed by the petitioners. Hence, he strongly opposed the bail application.

6. Considering the facts and submissions and the investigation is at crucial stage and DNA test is awaited, this Court is not inclined to grant bail to the petitioners. Hence, the Criminal Original Petition is dismissed.

29.05.2020

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Index : Yes/No

Internet : Yes/No

Speaking order/Non-speaking order

M.NIRMAL KUMAR, J.

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To

1. The Inspector of Police,
Orakadam Police Station,
Kancheepuram District.
2. The Public Prosecutor,
High Court, Madras.



Crl.O.P.No. 7451 of 2020

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