

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.05.2020

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THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.7536 of 2020

R.Kamal, S/o.Ramanathan,
No.131, Subramaniyar Koil Street,
Karamanikuppam,
Cuddalore District.

.....Petitioner

-Vs-

State Rep.by the Inspector of Police,
CBCID,
Nagapattinam District.
Crime No.1/2015

....Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No.1/2015 pending on the file of the Inspector of Police, CBCID, Nagapattinam District.

For Petitioner : Mr.P.Muthamizh Selvakumar

For Respondent : Mr.M.Mohammed Riyaz,
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 22.11.2019 for the offences punishable under Section 302 of IPC in Crime No. 1 of 2015 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 21.08.2011 at about 7.00 p.m., the family members of the de-facto complainant were watching TV along with one Pandiammal, a tenant in her house. When the said Pandiammal went outside for natural call, she was brutally attacked by the accused persons and she was lying on ground with pool of blood with multiple head injuries. Immediately, the de-facto complainant and her son took Pandiammal to a Hospital. When they returned, they found the de-facto complainant's daughter and mother were also brutally murdered and they were lying on the ground inside the house with several injuries. The deceased persons are the daughter, mother-in-law and the tenant of the de-facto complainant.

3. The learned counsel appearing for the petitioner would submit that the petitioner is not involved in the above alleged offence and he is no way

connected with the offence as alleged by the prosecution and he did not commit any offence. He would further submit that the crime is of the year 2011. As there was no progress in the investigation, the same was transferred to the CBCID, Nagapattinam District, namely, the respondent herein in the year 2015. Thereafter, only on 22.11.2019 the petitioner was arrested and remanded to the judicial custody. In fact, the first accused voluntarily surrendered before the Village Administrative Officer and based on his confessional statement only, the petitioner was arrested and remanded to the judicial custody. Hence, he seeks bail for the petitioner.

4. The learned Additional Public Prosecutor (Crl.Side) has submitted that it is a case of murder for gain and three persons were murdered by the accused. On the date of occurrence, while the complainant's family members were watching TV Programs, the accused persons entered into her house and murdered the de-facto complainant's daughter, mother-in-law and a tenant, namely, Pandiammal. Though the crime was registered in the year 2011, they could not able to trace out the accused. Therefore, the crime was transferred to the CBCID on the complainant's petition. The respondent herein able to find the accused persons and arrested all of them including the petitioner herein

and remanded to judicial custody. Earlier, this Court was not inclined to grant bail to the accused and dismissed their bail petitions. Now, the investigation is completed and filed a final report and it is pending for commencing proceedings in PRC.No.3/2020 on the file of the Chief Judicial Magistrate, Nagapattinam.

5. It is seen that it is a case of murder for gain and three persons were murdered by the accused persons and the petitioner has been arrayed as third accused. The de-facto complainant is living with her family members in her house and her husband is working in abroad. On 21.08.2011, the accused persons entered into her house and killed the defacto complainant's daughter, mother-in-law and a tenant in her house, viz., Pandiammal. The crime is of the year 2011 and only in the year 2019, the petitioner was arrested and remanded to judicial custody. Therefore, the accused persons absconded for a period of 8 years and dragged on the proceedings. Now, it is pending for commencing proceedings in PRC.No.3 of 2020 on the file of the Chief Judicial Magistrate, Nagapattinam.

6. Considering the above nature of offence committed by the petitioner and his case is pending for commencing proceedings in PRC.No.3/2020 on the

file of the Chief Judicial Magistrate, Nagapattianam, this Court is not inclined to grant bail to the petitioner. Accordingly, this petition stands dismissed.

14.05.2020

Index : Yes/No

Internet : Yes/No

Speaking order/Non-speaking order

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To

1. The District and Sessions Court

Nagapattinam District.

2. The Chief Judicial Magistrate,

Nagapattianam

3. The Inspector of Police,

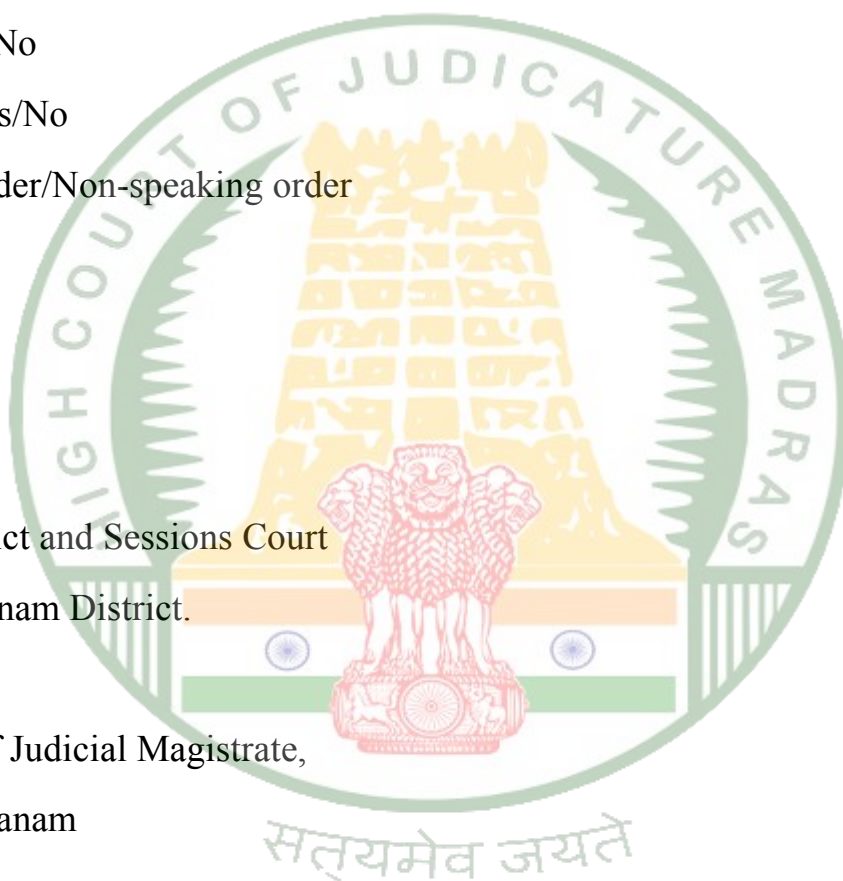
CBCID,

Nagapattinam District.

Crime No.1/2015

4. The Public Prosecutor,

High Court, Madras.

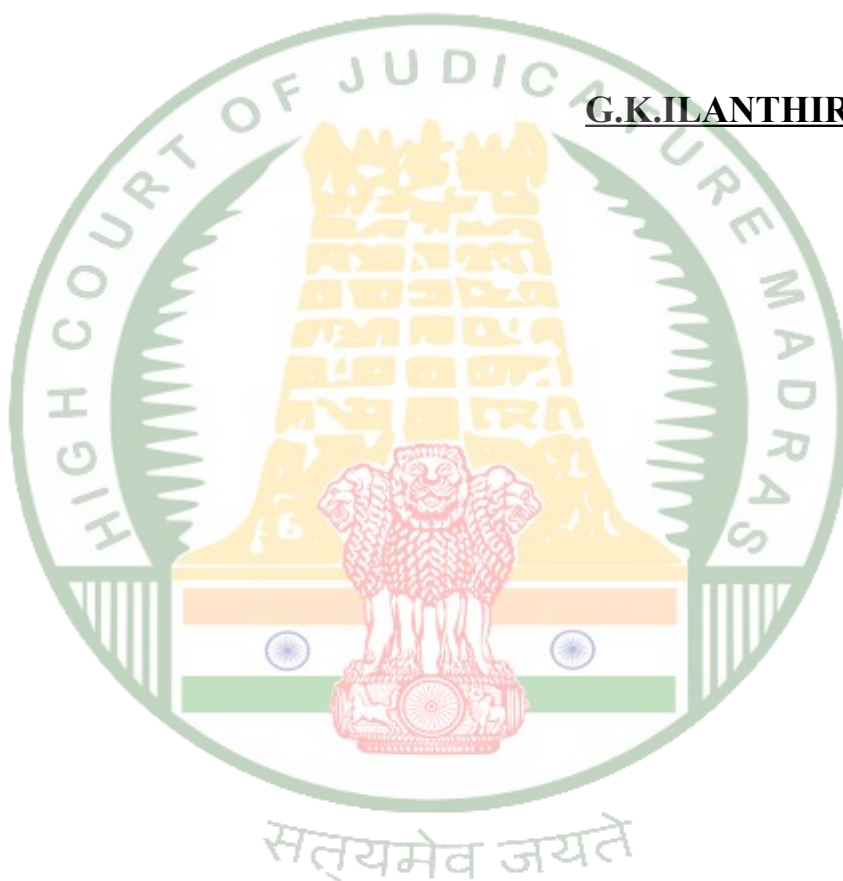


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5. The Superintendent,
Central Prison, Trichy.

G.K.ILANTHIRAIYAN, J.

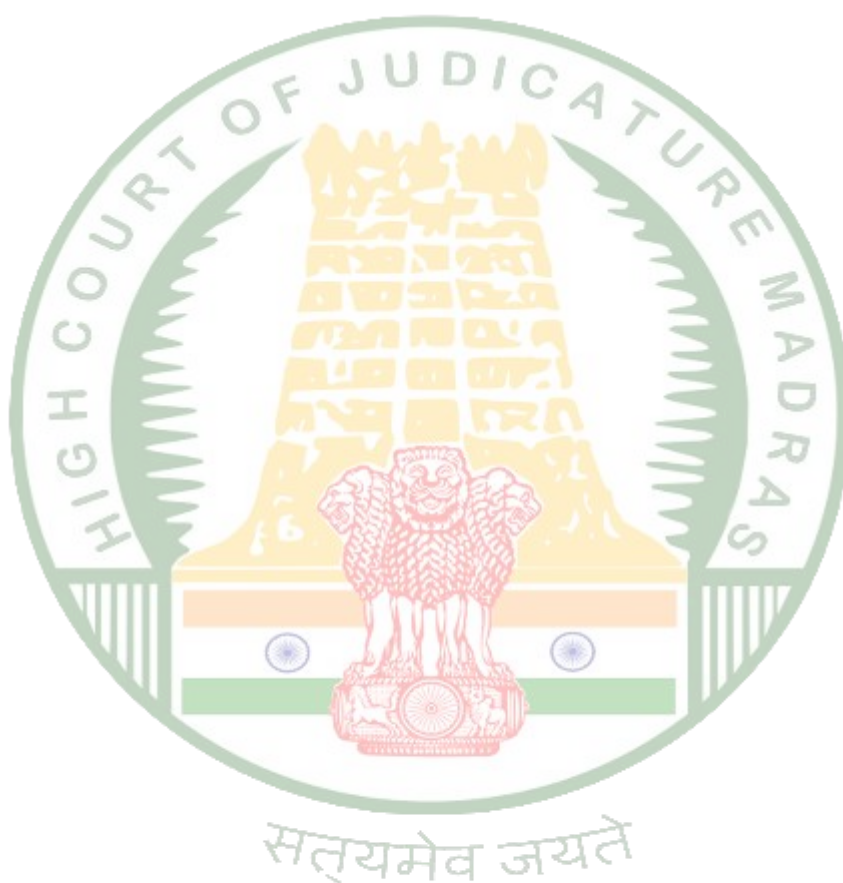
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