

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.Nos.17311, 17313 & 17314 of 2020

1.Ashwin @ Therai ... Petitioners in Crl.O.P.No.17311 of 2020
2.Muthukumar @ Muthu
3.Venkatraman
4.Vignesh @ Vicky

J.Vicky @ Vignesh ... Petitioner in Crl.O.P.No.17313 of 2020

Premkumar @ Prem ... Petitioner in Crl.O.P.No.17314 of 2020

Vs.

State Rep. By: ... Respondent in all Crl.O.Ps
The Inspector of Police,
Sunguvarchathiram Police Station,
Kanchipuram District.
Crime No.1038 of 2020.

Common Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioners on bail in Crime No.1038 of 2020 pending investigation before the respondent police station.

In all the Criminal Original Petitions

For Petitioners : Mr.G.Balamanikandan

For Respondent : Mr.T.Shunmugarajeswaran

Government Advocate (Crl. Side)

COMMON ORDER

(These cases have been heard through video conference)

The petitioners in Crl.O.P.Nos.17311 & 17314 of 2020, who were arrested and remanded to judicial custody on 09.09.2020 and the
<https://hcservices.courtsofmadras.gov.in/hcservices/Crl.O.P.No.17313> of 2020, who was arrested and

remanded to judicial custody on 06.09.2020 for the offences punishable under **Sections 294(b) & 302 of IPC @ 120B, 147, 294(b) & 302 of IPC, in Crime No.1038 of 2020** on the file of the respondent police, seek bail.

2.The case of the prosecution as per the defacto complainant viz. Vimal Raj is that his father Jayaraman has two wives and that the petitioner in Crl.O.P.No.17313 of 2020, Vicky @ Vignesh is the son of the 1st wife and he was demanding the rent received from the container parking area and was quarrelling with his father. While so, on 04.09.2020 at about 5.30 p.m. the said Vicky @ Vignesh, took his father for conducting pooja in the containers parking area and later around 9.00 p.m. the defacto complainant received an information that his father had passed away sustaining injuries and on information he had gone to Kancheepuram Meenakshi Hospital, at that time, the said Vicky @ Vignesh kept the body in the car and brought it to the village and when the defacto complainant enquired, the said Vicky @ Vignesh threatened the defacto complainant saying that since his father did not give him money he had murdered his father and abused the defacto complainant with filthy language and escaped from the scene of occurrence.

3.The learned counsel appearing for the petitioners would submit that the petitioner in Crl.O.P.No.17313 of 2020 viz. Vicky @ Vignesh is the son of the deceased Jayaraman through the 1st wife. He would further submit that admittedly there was enmity between the family members of the 1st wife and the family members of the 2nd wife and that a false complaint has been given as if the petitioner in Crl.O.P.No.17313 of 2020 viz. Vicky @ Vignesh along with his associates committed the murder of his own father. The false complaint has been given to prevent the petitioner from getting his share of property. He would further submit that there is no rhyme or reason for the said Vicky @ Vignesh to commit the murder of his own father and that if at all there is any issue between them, his father would not have attended the pooja. He would further submit that the entire case of the prosecution is based only on the alleged confession statement said to have been recorded from the said Vicky @ Vignesh when he was in custody as if he had engaged the other accused to commit murder of his own father. He would further submit that the said Vicky @ Vignesh was arrested on 06.09.2020 and as far as the other petitioners are concerned, they were arrested on 09.09.2020. He would further submit that major part of the investigation is over and other than the alleged confession statement, there is no other materials to implicate these petitioners.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently oppose stating that the petitioner in Crl.O.P.No.17313 of 2020 viz. Vicky @ Vignesh is the son of the deceased Jayaraman through the 1st wife. He had demanded his father to settle the properties in his name, when the father refused to do so, the said Vicky @ Vignesh had in the guise of conducting pooja in the container parking area, called the deceased to that place and at that time he along with other accused had committed murder of his

own father and projected as if his father died after sustaining injuries. He would further submit that the petitioners in a pre-planned manner brought the deceased to the place of occurrence. The petitioner in Crl.O.P.No.17314 of 2020 viz. Premkumar @ Prem brought a towel with knots to strangle the victim. The petitioner in Crl.O.P.No.17313 of 2020 viz. Vicky @ Vignesh strangled his father with his hands. He would further submit Ashwin @ Therai pushed the deceased and when he fell down Muthukumar @ Muthu closed his mouth and nose, Venkatraman caught hold of the legs of the deceased and another Vignesh @ Vicky / A6 strangled the deceased using knotted the towel. He would further submit that the petitioner in Crl.O.P.No.17314 of 2020 viz. Premkumar @ Prem is concerned, he is a hireling, against whom, there are five previous cases out of which, two cases are registered for the offences under Section 302 IPC and in respect of A1 and A2 they have one previous case and there is no previous cases against A3 & A4.

5. Heard the learned counsels on either side. Perused F.I.R and other materials placed on record.

6. Taking into consideration of the fact that the petitioner in Crl.O.P.No.17314 of 2020 viz. Premkumar @ Prem has five previous cases, this Court is not inclined to grant bail to him, accordingly, Crl.O.P.No.17314 of 2020 stands dismissed.

7. As far as the petitioners in Crl.O.P.Nos.17311 & 17313 of 2020 are concerned, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) Accordingly, the petitioners in Crl.O.P.Nos.17311 & 17313 of 2020 are ordered to be released on bail on condition to execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties each for a like sum to the satisfaction of the **Learned Judicial Magistrate, Sriperumbudur**, and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioners in Crl.O.P.Nos.17311 & 17313 of 2020 on their release from prison shall Stay at Krishnagiri and report before the Krishnagiri Town Police Station everyday at 10.30 a.m. and 5.30 p.m. until further orders.

(d) the petitioners in Crl.O.P.Nos.17311 & 17313 of 2020 shall not commit any offences of similar nature;

(e) the petitioners in Crl.O.P.Nos.17311 & 17313 of 2020 shall not abscond either during investigation or trial;

(f) the petitioners in Crl.O.P.Nos.17311 & 17313 of 2020 shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners in Crl.O.P.Nos.17311 & 17313 of 2020 accordance with law as if the conditions have been imposed and the petitioners in Crl.O.P.Nos.17311 & 17313 of 2020 released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala** [(2005)AIR SCW 5560];

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

8.With the above directions, the petition in Crl.O.P.No.17314 of 2020 stands dismissed. The Criminal Original Petitions in Crl.O.P.Nos.17311 & 17313 of 2020 are ordered.

-sd/-

18/11/2020

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 JUDICIAL MAGISTRATE,
SRIPERUMBUDUR

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SUNGUARCHATHIRAM POLICE STATION,
KANCHIPURAM DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

6 THE OFFICER INCHARGE,
KRISHNAGIRI TOWN POLICE STATION,
KRISHNAGIRI.

+4 CC to M/S.G.BALAMANIKANDAN Advocate on payment of necessary charges SR.NO.7596, 7597, 7598

CRL OP.17311, 17313 & 17314 of 2020

Date :18/11/2020