

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.12.2020

CORAM :

THE HON'BLE Mr. JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.No.19523 of 2020

Elavarasan

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Harithuvaramangalam Police Station,
Tiruvarur District.
(Crime No.417 of 2020)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.417 of 2020 on the file of the respondent police.

For Petitioner : Mr.S.Arumugam

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 16.10.2020 by the respondent police for the offence punishable under Section 302 of IPC in Crime No.417 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de facto complainant Santhiya is that herself and her husband were practicing Advocates. The further allegation is that her husband had filed a PCR Act case against the police in Harithuvaramangalam. While so, on 12.10.2020, her husband had gone to irrigate the fields at night hours and he did not come back to home and later, she found her husband was lying dead with cut injuries on the body. Based on that, a case was registered in Crime No.417 of 2020 for the offence under Section 302 IPC. During the course of investigation, it came to light that the de facto complainant's husband had taken the land on lease from one Vandaiyar, due to which, there was dispute between the petitioner and the de facto complainant's husband, and the accused committed murder of the de facto complainant's husband by indiscriminately cutting him with aruval. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would submit that even as per the FIR, the de facto complainant is not the witness to the occurrence and the petitioner was arrested only based on suspicion. He would further submit that the petitioner is in custody from 16.10.2020 and that the major part of the investigation is over and hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently oppose stating that there are three accused in this case and the accused have indiscriminately cut the de facto complainant's husband, who is an Advocate, by aruval and caused the death. He would submit that the motive for the offence is that the de facto complainant's husband is the lessee under one Poondi Vandaiyar for the past six years. While so, the said Poondi Vandaiyar handed over the land to the first accused and that the deceased was continuing with the cultivation and thereby, the accused preplanned to commit the murder, pursuant to which, on 12.10.2020, cut the de facto complainant's husband with aruval, when he had gone to cultivate the land. He would submit that tension prevails in the village.

5. Taking into consideration the nature of offence and the fact that the investigation is pending and that tension prevails in the village, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

-sd/-

22/12/2020

सत्यमेव जयते

This order, on being produced, be punctually observed and carried into execution by all concerned

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TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

2 THE INSPECTOR OF POLICE,
HARITHUVARAMANGALAM POLICE STATION,
THIRUVARUR DISTRICT.

CC to M/S.S.ARUMUGAM Advocate on payment of necessary
charges

CRL OP.19523/2020

Date :22/12/2020

MK:06/01/2021



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