

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.12.2020

CORAM :

THE HON'BLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P.No.20181 of 2020

1.Ganesh @ Pottu

2.Sathish

3.Vinoth @ Vinothkumar

... Petitioners

Vs.

State Rep. by

The Inspector of Police,

Marakkanam Police Station,

Marakkanam

Villupuram District

Tamilnadu

(Crime No.1879 of 2020)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.1879 of 2020 pending investigation on the file of the respondent police.

For Petitioners : Mr.E.Anbarasan

For Respondent : Mr.K.Madhan

Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 25.10.2020 for the offences punishable under Section 302 IPC, in Crime No.1879 of 2020 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioners are A2 to A4 in this case. The defacto complainant is the friend of the deceased. The deceased used to buy liquor from Pondicherry and sell it in Choonamedu and other areas. The deceased borrowed a sum of Rs.2 Lakhs from the main accused / A1 and he did not repay the said amount, due to which, A1 got enraged and engaged other accused to commit the murder of the deceased. The deceased was assaulted brutally by the accused persons and he was done to death. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that on the fateful day, the deceased was found dead and based on the circumstantial evidence, F.I.R. was registered against them and the petitioners have been falsely implicated in this case. Hence, prays for grant of bail to the petitioners.

4.The learned Government Advocate (Crl. Side) would vehemently oppose stating that the deceased had borrowed a sum of Rs.2 Lakhs from A1 and when the same was not returned, A1 got antagonized and he along with these petitioners had committed the murder of the deceased. He would further submit that the deceased was brutally attacked by the petitioners due to which, he sustained grievous injuries and succumbed to death.

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

6.Considering the grave nature of the offence and the circumstances of the offence committed, I am declined to grant bail to the petitioners.

7.This Criminal Original Petition shall stand dismissed accordingly.

-sd/-
30/12/2020

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 PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

2 THE INSPECTOR OF POLICE,
MARAKKANAM POLICE STATION,
MARAKKANAM, VILLUPURAM DISTRICT,
TAMIL NADU.

CC to E.ANBARASAN Advocate on payment of necessary charges

CRL OP.20181/2020

Date :30/12/2020