



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 03/03/2020

WEB COPY

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD). No.3898 of 2020

Kannan ... Petitioner/Accused No.1

Vs

State rep. By
The Inspector of Police,
Eral Police Station,
Thoothukudi District,
in Crime No.238 of 2019. ... Respondent/Complainant

For Petitioner : Mr.V.Kathirvelu, Senior Counsel
Mr.K.Prabhu, Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

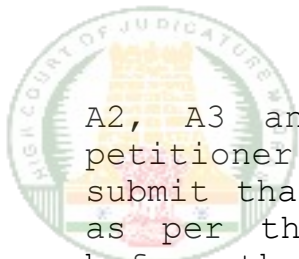
For Bail in Crime No.238 of 2019 on the file of the Respondent Police

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The case of the prosecution is that the petitioner herein in running a chit business, in which one Muthupandi was subscriber. The deceased Shahul Hameed on behalf of Muthupandi has taken the chit but failed to repay the same. Hence to recover the money from the petitioner herein the first accused along with Muthupandi and four other have conspired together and arranged a vehicle and took the deceased from the house and after assaulting him severely brought him back to the house and left him there. The family members of the Shahul Hameed took him to Government hospital and admitted him in Government hospital. Shahul Hameed died on the next day.

<https://hcservices.courts.tn.nic.in/hcservices> learned counsel for the petitioner would submit that



A2, A3 and A4 in this case were released on bail and this petitioner surrendered before the Court on 19.02.2020. He would also submit that the petitioner was falsely implicated in this case and as per the direction of this Court, the petitioner surrendered before the Court on 19.02.2020 and he is in jail since then. The deceased Shahul Hameed consumed rat killer powder on 17.12.2019 and admitted in Dr.Kirubai hospital. On the next day, he was admitted in the Government hospital for accidental fall while painting. Whereas the prosecution after the death of Shahul Hameed has intentionally fabricated facts of this case, as if the petitioner and other abducted the deceased caused death by brutal attack.

4. The learned Government Advocate(Crl.Side) would submit that the episode relied up by the petitioner in respect of consumption of ant killer powder by Shahul Hameed and his admission in Dr. Kirubai hospital are make believe story. These documents are subject matter of investigation which is going on. As far as admission of the petitioner in the hospital for alleged accidental fall while painting is a wrong statement due to the threat of other accused persons. The same is reflected in the First Information Report itself, while the defacto complainant gave the complaint to the police. The learned Government Advocate (Crl.Side) placed before this Court the viscera report which indicates that there is no poisonous substance deducted in any of the intestine sent for analysis.

5. Taking into consideration the nature of offence and the manner in which the case has been brought to light and the investigation conducted, this Court is of the view that even though three accused have been granted bail by this Court, the petitioner who is the master mind of the crime cannot be released on bail at this stage.

6. Hence for the prosecution to complete the investigation without any tampering by external force the bail petition is dismissed.

sd/-
03/03/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1.The Inspector of Police,
Eral Police Station, Thoothukudi
District, in Crime No.238 of 2019.

2.The Superintendent, Central Prison, Palayamkottai.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1. CC to M/S.K.PRABHU Advocate SR.No.4707

ORDER

IN

CRL OP(MD) No.3898 of 2020

Date :03/03/2020

JMN/SKN/SAR-4 (06.03.2020) 3P : 5C