



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

Date : 16/10/2020

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.11468 of 2020

1.Shenbagaraj @ Poorak
2.Esakki Raj
3.Gnanaguru

... Petitioners/Accused
Nos.2,4,5

Vs

The State rep.by
The Inspector of Police,
S.V.Karai Police Station,
Tenkasi District.
Crime No.144 of 2020.

... Respondent/Complainant

For Petitioners : Mr.V.Sasikumar,
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.144 of 2020 on the file of the
respondent police

ORDER : The Court made the following order :-

The petitioner/A2, A4 and A5, who were arrested and remanded to judicial custody on 13.08.2020 for the offences punishable under Sections 449 and 302 of IPC on the file of the respondent police seek bail.

2.The case of the prosecution is that the first accused had illegal intimacy with the wife of the deceased. Prior to the date of occurrence wife of the deceased went to the parent's house. On 12.08.2020 the first accused along with other accused persons said to have trespassed into the house of the deceased, attacked the deceased with aruval and knife, due to which he sustained grievous injuries and died. Hence the complaint.



3. The learned counsel for the petitioners would submit that even as per the case of prosecution the petitioners have no motive to murder the deceased and they are coolie workers and there is no eyewitness to the said occurrence and the petitioners have been falsely implicated in this case. He would also submit that the petitioners were in jail for nearly 60 days, hence they may be granted bail.

4. The learned Government Advocate (Crl. Side) would submit that there are totally five accused in this case and the petitioners herein are arrayed as A2, A4 and A5. He would also submit that A1 in this case is having illicit intimacy with the wife of the deceased and when it came to the knowledge of the deceased he questioned the same. Thereafter the first accused decided to do away the life of the deceased and engaged these petitioners, who are hirelings to murder the deceased. He would further state that the investigation is still pending and the petitioners were arrested only on 13.08.2020.

5. It is seen that there are totally five accused in this case and the petitioners herein are arrayed as A2, A4 and A5. Admittedly the petitioners herein are hirelings of the first accused and when the first accused decided to do away the life of the deceased for the reason that he had illegal intimacy with the wife of the deceased. Further the petitioners were arrested only on 13.08.2020 and investigation is still pending. At this juncture, this Court is not inclined to grant bail to the petitioners.

6. Hence this petition stands dismissed.

sd/-
16/10/2020

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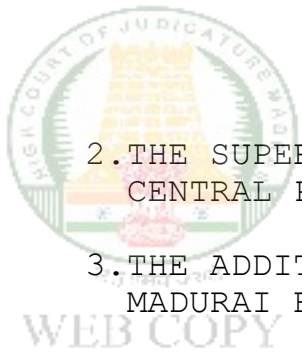
/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE INSPECTOR OF POLICE,
S.V. KARAI POLICE STATION,

<https://hcservicetov.dnserv.net>



2.THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

3.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.11468 of 2020
Date :16/10/2020

AAV
TK/VR/SAR.3/21.10.2020/3P/4C