

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Eighteenth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.5451 of 2021

S.C.NO.125 of 2020

(ON THE FILE OF THE PRINCIPAL DISTRICT AND SESSIONS JUDGE, THIRUVALLUR)

K.RAVI

[PETITIONER / ACCUSED]

Vs

THE STATE OF TAMIL NADU, REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
T-4, MADURAVOYAL POLICE STATION,
MADURAVOYAL,
CHENNAI-600 095.

For Petitioner : M/S.C.K.M.APPAJI Advocate

For Respondent : MRS.M.PRABHAVATHI, Additional Public Prosecutor
PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

(The case has been heard through video conference)

The Petitioner, who was arrested and remanded to judicial custody on 24.09.2020 for the offence punishable under Section 302 of IPC in Crime No.628 of 2015, seeks bail.

2. The petitioner is the sole accused. It is a case of double murder. The case of the prosecution is that the deceased are son and daughter of the petitioner. The petitioner and his wife were living separately and the children were living with the petitioner. It is stated that since some foul smell emanated from the house of the petitioner, a complaint was given before the Village Administrative Officer and the police recovered the dead body of the children. Right from that date, the petitioner was absconding and initially, a case was registered under Section 174 Cr.P.C. After investigation, the respondent police altered the offence under Section 302 IPC. After 5 years, the petitioner was traced with great difficulties on 24.09.2020 and remanded to judicial custody. Now, seeking bail, the present petition has been filed.

3. The learned counsel for the petitioner would submit that there is a matrimonial dispute between the petitioner and his wife. The wife of the petitioner was leading a wayward life and living separately and hence, the children were living with the petitioner. Since the wife of the petitioner has engaged hooligans to murder the petitioner, he ran away from the house and fearing his life, he did not come back. Thereafter, he came to know that he was arrayed as an accused related to the death of his children. He would further submit that now, the trial has already been commenced and some of the witnesses have also been examined. He is in jail from 24.09.2020. Therefore, he prays to grant bail to the petitioners.

4. The learned Additional Public Prosecutor vehemently opposed stating that the petitioner has murdered his own daughter and son and escaped and stayed at Orissa and absconded for the past 5 years. After much difficulty, the respondent police arrested the petitioner. If the petitioner is released on bail, he will once again abscond. There is a life threat to the wife of the petitioner, who is the main witness to the occurrence. She would further submit that the matter is posted on 23.03.2021 for trial.

5. I have considered the rival submissions and perused the materials available on records carefully.

6. It is a double murder case. Admittedly, the children are with the petitioner at the time of murder. Hence, it is for the petitioner to explain the cause of death. Now, trial commenced and at this stage, this Court is not inclined to give any opinion on the merits of the case. However, considering the fact that the petitioner was absconding for more than 5 years and after much difficulty, the petitioner was arrested. Hence, if the petitioner is released on bail, once again, he will abscond. That apart, it is also stated that there is a life threat to the wife of the petitioner, who is the main witness in this case.

7. Considering the said circumstances, and the gravity of the offence, this Court is not inclined to grant bail to the petitioner.

8. Accordingly, the Criminal Original Petition is dismissed.

-sd/-

18/03/2021

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 PRINCIPAL DISTRICT AND SESSIONS JUDGE,
THIRUVALLUR.

2 THE INSPECTOR OF POLICE,
T-4, MADURAVOYAL POLICE STATION,
MADURAVOYAL, CHENNAI - 600 095.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

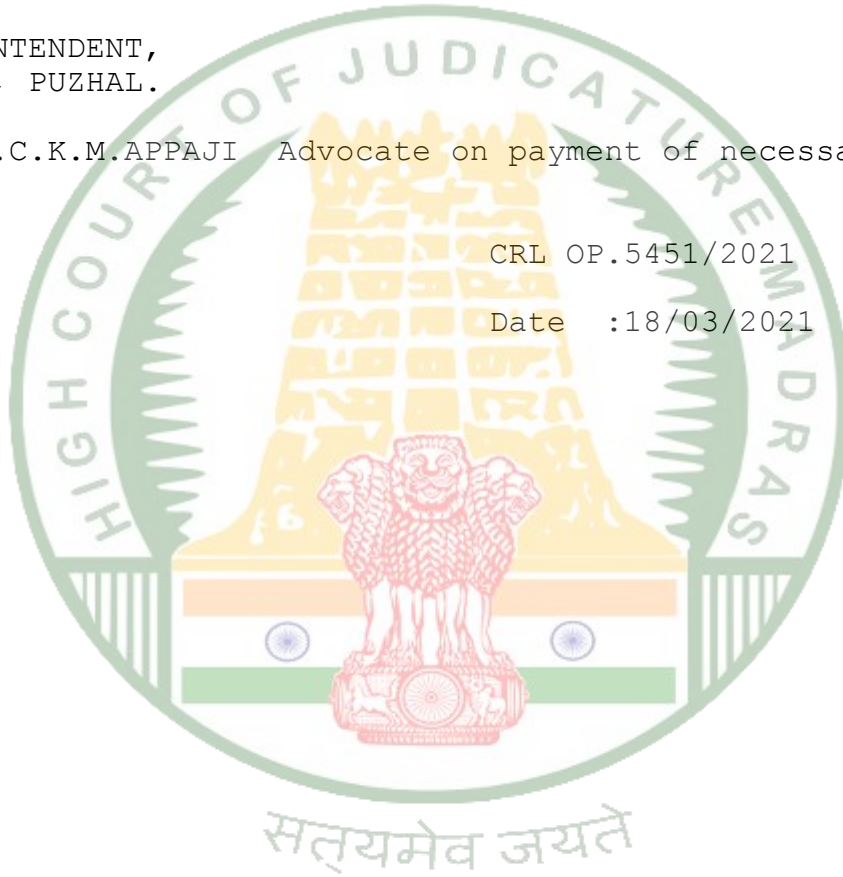
4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

CC to M/S.C.K.M.APPAJI Advocate on payment of necessary charges

CRL OP.5451/2021

Date :18/03/2021

TA-20/04/2021



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