

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty First day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mrs Justice V.BHAVANI SUBBAROYAN

CRIMINAL ORIGINAL PETITION No.7511 of 2021

SUBRAMANIYAN

[PETITIONER / ACCUSED]

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
KANCHI TALUK POLICE STATION,
KANCHEEPURAM DISTRICT.
CR.NO.436/2019.

[RESPONDENT]

For Petitioner : M/S.G.MAGESH KUMAR Advocate

For Respondent : MRS.M.PRABHAVATHI, Additional Public Prosecutor

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 07.03.2021 for the alleged offences punishable under Sections 120(B), 302 and 201 of IPC in Crime No.436 of 2019, seeks bail.

2. Heard both sides.

3. The case of the prosecution is that the de-facto complainant, Pazhaniyammal is the wife of the deceased Konjiadaikkan. Prior to his marriage, the deceased was having illicit intimacy with A1 Chitra and both of them were lived together in the house belongs to the deceased. After the marriage, the deceased demanded A1 to vacate his house and as A1 refused to vacate the house, dispute arose between them. As a result of which, A1 engaged A6 Elumalai and paid a sum of Rs.5,00,000/- along with her son and in turn, A6 and A5-Rajkumar arranged the petitioner/A2, A3, A4, A8 who are the paid killers to commit murder of the deceased and in this criminal conspiracy, A5 used his lover one Jenifer to call the deceased to her house. On 03.08.2019, when the deceased came to a particular place as directed by the said Jenifer, A2, A3 and A8 took the Innova car which was driven by the petitioner/A2 to pick up the deceased from the particular place and after the deceased get into the car, A4 Sathishkumar followed the car and A3, namely, Vivekanandhan tightened the neck of the deceased by using

belt and A8 Sankar tied the hands and legs of the deceased and thereby committed murder of the deceased. Initially, the case was registered as "Man Missing" and subsequently, altered to 120(B), 302 and 201 of IPC .

4. The learned counsel for the petitioner submitted that the petitioner is innocent and he did not commit any offence as alleged by the prosecution. He would further submit that the overtact attributed against the petitioner is that he used his car and shielded the corpse in his rental house, but the car does not belongs to him. He would further submit that only based on the confession of the other accused, this petitioner has been implicated in this case. Therefore, he may be granted bail.

5. The learned Additional Public Prosecutor would submit that after committing the brutal murder of the deceased, the accused put the knife on the neck of the deceased took a photo and sent the same to A5 who paid an amount of Rs.5,00,000/- and thereby intimated the other accused about the commission of murder executed by them consequent to the criminal conspiracy. Subsequently, after two days, the de-facto complainant had received a message from the bank over phone that the as if a sum of Rs.3,00,000/- was debited to the account of an advocate namely Parisuthanathan and the call details of all the accused were collected which clearly indicates the role of each and every accused in committing the murder of the deceased. She would further submit that investigation is still pending and hence, she vehemently opposed to grant bail to the petitioner.

6. Considering the facts and circumstances of the case and also taking into account the gravity of offence committed by the accused, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, this Criminal Original Petition is dismissed.

-sd/-

21/04/2021

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 INSPECTOR OF POLICE,
KANCHI TALUK POLICE STATION,
KANCHEEPURAM DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

<https://hcservices.ecourts.gov.in/hcservices/>

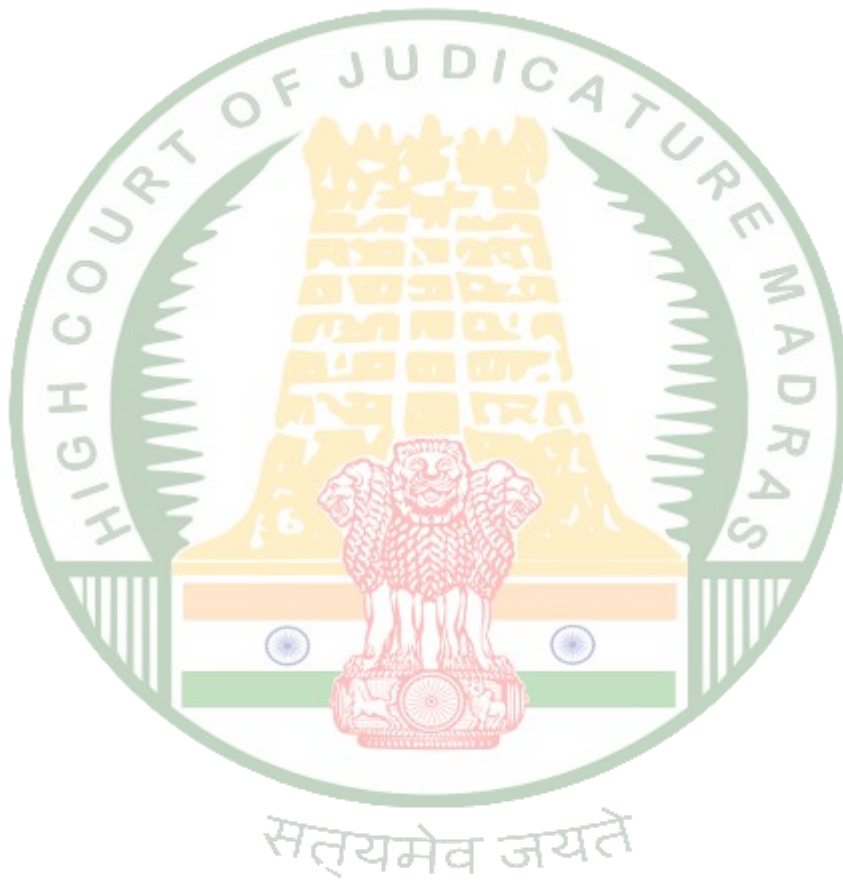
3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI.

CC to M/S.G.MAGESH KUMAR Advocate on payment of necessary
charges

CRL OP.7511/2021

Date :21/04/2021

TA-23/06/2021



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