

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.10063 of 2021

Santhosh

... Petitioner/Accused - 6

Vs.

The State represented by,
The Inspector of Police,
N4-Fishing Harbour Police Station,
Chennai - 600 081.

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 439 Cr.P.C. praying to enlarge the petitioner on bail in Crime No.60 of 2021 on the file of the respondent police.

For Petitioner : Mr.T.Arun Kumar

For Respondent : Mr.E.Raj Thilak
Government Advocate (Crl.Side)

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 25.04.2021, for the offence punishable under Sections 174, 147, 148, 302, 201 and 341 of IPC and thereafter, Section 174 of IPC altered to one under Section 302 of IPC, in Crime No.60 of 2021, seeks bail.

2.The case of the prosecution is that, on 15.04.2021, all the accused persons were taking liquor along with the deceased. Thereafter, when the deceased intended to go to his home, the accused persons threatened him not to go to home since all are wanted accused in other crime number. Without obeying the words of the accused persons, when the deceased was about to return to his home, the accused persons beaten him to death and thereafter, they buried the body and it was found only on 21.04.2021. Initially the respondent police had registered a case under Section 174 of Cr.P.C and thereafter, the case was altered into under Section 302 of IPC.

3.The learned counsel for the petitioner would submit that there are totally seven accused persons and the petitioner is arrayed as A6. Only on the extra judicial confession statement, the petitioner was implicated as the accused. All the accused persons are fishermen and due to previous motive, the petitioner has been falsely implicated as an accused and he was arrested and remanded to the judicial custody on 25.04.2021.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that there are totally seven accused persons and the petitioner is arrayed as A6. When the accused persons were taking liquor along with the deceased, they threatened the deceased not to go to his home since all the accused are wanted for other crime number. Without obeying the words of the other accused persons, when the deceased was about to return to house, the accused persons beaten and murdered him and buried the body of the deceased. Initially, the occurrence was took place on 15.04.2021 and hence, a case was registered for the offence under Section 174 of Cr.P.C and thereafter, the cremated body was found only on 21.04.2021 and subsequently, it was altered into under Section 302 of IPC and the petitioner was arrested only on 25.04.2021. All the accused persons have committed serious offence and there is a proposal to detain under Goondas.

5.It is seen that there are totally seven accused and the petitioner is arrayed as A6. When the accused along with the deceased were taking liquor, they advised the deceased not to go home. Without obeying the words of the accused persons, the deceased while trying to go to his home, he was attacked by other accused persons and thereby, the deceased sustained grievous injuries and died and thereafter, they have also buried the body of the deceased. They also burned the body of the deceased and screened the body. Therefore, they committed very serious offence and the petitioner was arrested only on 25.04.2021. As such, this Court is not inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition is dismissed.

-sd/-

09/06/2021

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 SESSIONS COURT,
CHENNAI.

2 THE METROPOLITAN MAGISTRATE
NO.XVI, GEORGE TOWN, CHENNAI.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

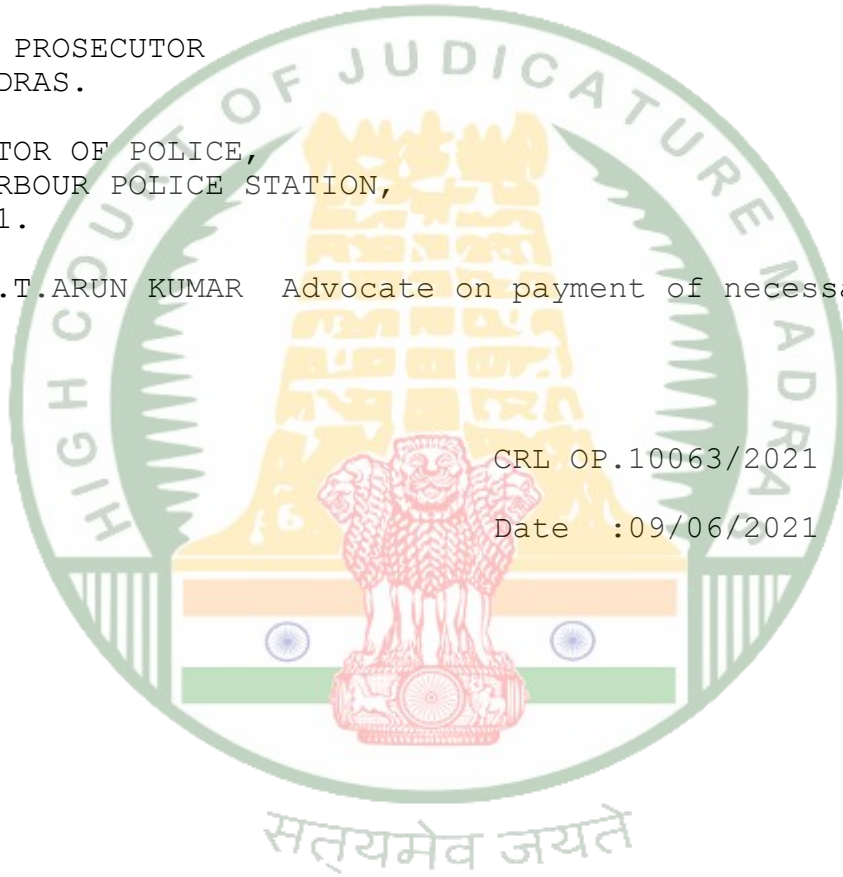
5 THE INSPECTOR OF POLICE,
N4, FISHING HARBOUR POLICE STATION,
CHENNAI 600 081.

CC to M/S.T.ARUN KUMAR Advocate on payment of necessary charges

CRL OP.10063/2021

Date :09/06/2021

cs 29/06/2021



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