

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.10193 of 2021

1.B.Usha, W/o.Baskar
2.M.Bakkiyaraj, S/o.Muthu
3.R.Gokul, S/o.Ramesh

... Petitioners/Accused - 1 to 3

Vs.

The State represented by,
The Inspector of Police,
Mangadu Police Station,
Chennai

(Crime No.252 of 2021)

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Sections 437 & 439 Cr.P.C. praying to enlarge the petitioners on bail pending investigation in Crime No.252 of 2021, on the file of the respondent police.

For Petitioners: No appearance

For Respondent : Mr.E.Raj Thilak

Government Advocate (Crl.Side)

ORDER

(The case has been heard through video conference)

The first petitioner, who was arrested and remanded to judicial custody on 01.05.2021 and the second and third petitioners, who were arrested and remanded to judicial custody on 04.05.2021 for the offence punishable under Sections Man Missing and altered into Section 302 of I.P.C, in Crime No.252 of 2021, seek bail.

2.The learned Government Advocate (Crl.side) submitted that A1 is the wife of the deceased, A2 is the brother in law of the deceased and A3 & A4 are the assistants to the second accused in respect of his lorry. The deceased suspected the first accused's fidelity and as such, he always used to torture the first accused. While being so, on the date of occurrence i.e., 28.04.2021, when the deceased came in drunken mood, there was a quarrel between the deceased and the first accused. Therefore, immediately, the first accused called other accused persons. They came to the house of the first accused and attacked the

deceased with iron rod. The deceased sustained grievous injuries and died. They threw the body inside a pond. Thereafter, the body was recovered from the pond and the offences were altered into under Section 302 of IPC. Hence, he vehemently opposed to grant bail to the petitioner.

3. It is seen that there are totally four accused and the petitioners herein are arrayed as Accused Nos.1 to 3. The 1st petitioner was arrested on 01.05.2021 and 2nd & 3rd petitioners were arrested on 04.05.2021. The first accused is none other than the wife of the deceased; the second accused is none other than the brother-in-law of the deceased; third and fourth accused are the assistants to the second accused for his lorry. The deceased suspected the first accused's fidelity and as such, he always used to torture the first accused. While being so, on the date of occurrence i.e., 28.04.2021, when the deceased came in drunken mood, there was a quarrel between the deceased and the first accused. Therefore, immediately, the first accused called other accused persons and they came to her house and attacked the deceased with iron rod. Therefore, the deceased sustained injuries and died. Thereafter, all the accused thrown out the body into a pond.

4. On the date of the occurrence itself, the mother of the deceased lodged a complaint and the same was registered as "man missing". Thereafter, the respondent found the body of the deceased on 30.04.2021 and hence, the case was altered into under Section 302 of IPC and also 201 of IPC. Therefore, all the accused have committed grave offence and they were arrested only on 01.05.2021 & 04.05.2021 respectively. Therefore, this Court is not inclined to grant bail to the petitioners.

5. Accordingly, this Criminal Original Petition is dismissed.

-sd/-

10/06/2021

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 DISTRICT AND SESSIONS JUDGE,
DISTRICT AND SESSIONS COURT NO.II,
KANCHEEPURAM.

2.THE JUDICIAL MAGISTRATE,
SRIPERUMBUDUR.

3.THE INSPECTOR OF POLICE,
MANGADU POLICE STATION,
CHENNAI

4.THE SUPERINTENDENT,
CENTRAL JUDICIAL CUSTODY,PUZHAL, CHENNAI

5.THE SUPERINTENDENT,
JUDICIAL CUSTODY AT SUB-JAIL,
SAIDAPET.

6.THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

CC to M/S.NANTHAN AND ASSOCIATES Advocate on payment of
necessary charges

CRL OP.10193/2021

Date :10/06/2021

SP(28/06/2021)

सत्यमेव जयते

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