



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Seventeenth day of August Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.14323 of 2021

AND CRL.O.P.Nos.14379 OF 2021

KANTHARAJ

[PETITIONER / ACCUSED
IN BOTH THE PETITIONS]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
HUDCO POLICE STATION,
KRISHNAGIRI DISTRICT.
CRIME NO.189/2021

[RESPONDENT
IN CRL.O.P.Nos.14323/2021]

THE INSPECTOR OF POLICE
SIPCOT POLICE STATION,
KRISHNAGIRI DISTRICT
CRIME NO.201/2021

[RESPONDENT
IN CRL.O.P.Nos.14323/2021]

For Petitioner : M/S.R.JOHN SATHYAN Advocate (IN BOTH THE PETITIONS)

For Respondent : MR. V.JAYAPRAKASH NARAYANAN,
Govt. Advocate (Crl. Side) (IN BOTH THE PETITIONS)

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested on 30.06.2021 and remanded to judicial custody in two cases for the offences under Sections 364, 302, 201 IPC @ 147, 148, 364, 302 and 201 IPC in Cr.No.189 of 2021 and for the offences punishable under Sections 147, 148, 341, 294(b), 302, 506(ii), 302, 109 and 120B IPC, on the file of the respondent police seeks bail.

2. The case of the prosecution in Cr.No.189/2021 is that on 15.02.2018, due to money dispute, A1 along with other accused persons had kidnapped the deceased and murdered him and thrown the body in the Thenpennai River and thereby caused disappearance of dead body. Hence



this complaint.

3. The case of the prosecution in Cr.No.201/2021 is that the deceased Abilash @ Abi and other accused were studied together and they were friends. It is alleged in the complaint that there seems to be an ego tussle between the deceased and the 1st accused, as to who had a larger friend base, due to which quarrel had arose between them and thereby the accused persons along with petitioner herein caused death of the deceased. Hence the law enforcing agency registered a case against the accused persons.

3. The learned counsel for the petitioner submitted that the petitioner never committed any offence as alleged by the prosecution and he is innocent of the said commission and he has been falsely implicated in these cases. Further it is the submission of the learned counsel for the petitioner that the petitioner is managing a small business of providing manpower to the companies in and around Hosur, in the name and style of M/s.Kishore Enterprises. One Ganesh Babu who is the Sub Inspector of Police, SSI SIPCOT Police Station, Krishnagiri used to demand money and torchure the petitioner for over a period and unable to bare the same, the petitioner has also filed a complaint before the State Human Rights Organization on 09.09.2020, in SHRC No.6949 of 2020. Therefore, in view of initiation of prosecution against the police officials, in order to harass the petitioner, with an ulterior motive, they have lodged false complaints against the petitioner and implicated him in those false cases and therefore, prays for grant of bail.

4. The learned Government Advocate (Crl.Side) submitted that the petitioner is involved in two murder cases in the above said crime numbers and the investigation is in preliminary stage. Thus if the petitioner is enlarged on bail, there is every chances of tampering with the evidence and hampering the investigation. Hence strongly opposed to grant bail to the petitioner.

5. Considering the facts and circumstances of the case and since the petitioner is involved in two murder cases and offences against him are very heinous in nature, granting bail at this stage will affect the process of investigation. Therefore, this Court is not inclined to grant bail to the petitioner. Accordingly, these Criminal Original Petitions are closed.

-sd/-

17/08/2021

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.



WEB COPY

1 THE JUDICIAL MAGISTRATE
NO.II, HOSUR

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
HUDCO POLICE STATION,
KRISHNAGIRI DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM

5 THE INSPECTOR OF POLICE
SIPCOT POLICE STATION,
KRISHNAGIRI DISTRICT

6 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.R.JOHN SATHYAN Advocate on payment of necessary
charges

CRL.O.P.Nos.14323 & 14379/2021
Date :17/08/2021

APN 09/09/2021