



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

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Wednesday, the Twenty Seventh day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION Nos.19068 & 19071 of 2021

AND CRL.MP.Nos.10672 & 10675/2021

JAYAMALA SHETHAL KUMAR

[PETITIONER / ACCUSED
IN CRL.O.P.NO.19068/2021]

1 VIJAY UTTAM KAMBLE

[PETITIONERS / ACCUSED
IN CRL.O.P.NO.19071/2021]

2 RABINDRANATH GAR

Vs

THE STATE REPBY
THE INSPECTOR OF POLICE,
C-2 ELEPHANT GATE POLICE STATION,
CHENNAI
CRIME NO.916 OF 2020

[RESPONDENT
IN BOTH PETITIONS]

PINKY H. JAIN, [PETITIONER / DEFACTO COMPLAINANT / INTERVENER]
[ORDERED AS PER ORDER OF THIS COURT DATED 27.10.2021 IN
CRL.MP.Nos.10672 & 10675/2021 IN CRL.O.P.NOS.19068 & 19071/2021]

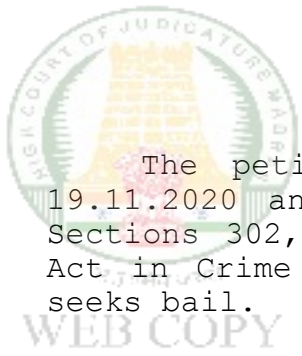
For Petitioner : M/S.B.A.ALOOR Advocate
[IN BOTH PETITIONS]

For Respondent : MR.A.GOPINATH, Govt. Advocate (Crl. Side)
[IN BOTH PETITIONS]

For Intervenor : M/S.B.R.SHANKARALINGAM, Advocate
[IN BOTH PETITIONS]

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-



The petitioner in CrI.O.P.No.19068 of 2021, was arrested on 19.11.2020 and remanded to judicial custody for the offence under Sections 302, 380, 450, 120(B) & 34 of IPC & 27(3), 29(B), 30 Arms Act in Crime No.916 of 2020 on the file of the respondent police, seeks bail.

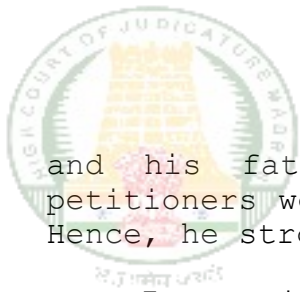
2. The petitioners in CrI.O.P.No.19071 of 2021, were arrested on 13.11.2020 and remanded to judicial custody for the offence under Sections 302, 380, 450, 120(B) & 34 of IPC & 27(3), 29(B), 30 Arms Act in Crime No.916 of 2020 on the file of the respondent police, seek bail.

3. It is a case of triple murder. Totally there are 9 accused persons involved in this case and the petitioners are arrayed as A4, A5 and A6. The further case of the prosecution is that A4 namely Jayamala was married to one of the deceased in this case viz,, Sheethal kumar and they have also got two daughters. Subsequently, due to matrimonial dispute, A4 left the matrimonial home and residing at her parental home at Maharashtra. Thereafter, A1 and A2, who are the brothers of A4 demanded money from the deceased family, but they refused to give the amount. Hence, A1 to A6 came to Chennai and stayed in the house of A9 and on 11.11.2020, A1 to A6 went to the house of the deceased and demanded a sum of Rs.5 Crores. When they refused, they shot the husband of A4 and her father-in-law and mother-in-law by using revolver and also country made gun and caused their death and left the scene of occurrence. The allegation against these petitioners is that on instigation of A4, A5 and A6 accompanied with A1 and A2 who are brothers of A4 and committed murder of A4's husband and his father and mother. Hence, the complaint.

4. The learned counsel for the petitioners submitted that the petitioners are no way connected with the alleged offence and they have been falsely implicated in this case. He further submitted that the allegation against only A1 and A2 and the major part of the investigation is over. He further submitted that the petitioners are ready to abide by any stringent conditions imposed by this Court. He further submitted that co-accused had already been released on bail by this Court in CrI.O.P.No.415 & 4939 of 2021. Hence, he prays for grant of bail to the petitioners.

5. The learned Government Advocate (CrI.Side) appearing for the respondent submitted that the investigation has been completed and the charge sheet has also been filed. He further submitted that if the petitioners were released on bail, there is no progress in the trial. Hence, he vehemently opposed for grant of bail to the petitioners.

6. The learned counsel for the intervenor/defacto complainant submitted that on instigation of A4, A5 and A6 accompanied with A1 and A2 who are brothers of A4 and committed murder of A4's husband



and his father and mother. He further submitted that if the petitioners were released on bail, there is no progress in the trial. Hence, he strongly opposed for grant of bail to the petitioners.

7. Considering the facts and circumstances of the case and also the fact that on instigation of A4, A5 and A6 accompanied with A1 and A2 who are brothers of A4 and committed murder of A4's husband and his father and mother and the petitioners are native place at Maharashtra and Calcutta and they are involved in a very serious offence, this Court is not inclined to grant bail to the petitioners.

8. Accordingly, this Criminal Original Petitions are dismissed.

-sd/-

27/10/2021

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,
C-2 ELEPHANT GATE POLICE STATION,
CHENNAI

2 THE SUPERINTENDENT,
SPECIAL PRISON FOR WOMEN,
PUZHAL, CHENNAI.

3 THE SUPERINTENDENT,
CENTRAL PRISON II
PUZHAL, CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2 CC to M/S.RAMESH, Advocate on payment of necessary charges
SR.NO.11989 & 11990

+2 CC to M/S.B.R.SHANKARALINGAM, Advocate on payment of
necessary charges SR.NO.12009 & 12010

CRL OP.19068 & 19071 /2021

AND CRL.MP.10672 & 10675/2021

Date :27/10/2021

JPA 17/11/2021.