



IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Friday, the Seventeenth day of December Two Thousand Twenty One

PRESENT

The Hon`ble Mrs Justice T.V. THAMILSELVI

CRIMINAL ORIGINAL PETITION No.24280 of 2021

IN S.C.NO.2 of 2018

(On the file of the District Judge, Nilagiri)

1 DHANBAL  
2 RAMESH

[ PETITIONERS / ACCUSED ]

Vs

STATE BY  
ADDITIONAL SUPERINTENDENT OF POLICE,  
THE NILGIRIS IN SHOLURMATTM POLICE STATION  
CRIME NO.158 OF 2017.

[ RESPONDENT ]

For Petitioners : M/S.C.N.VINOBHA Advocate

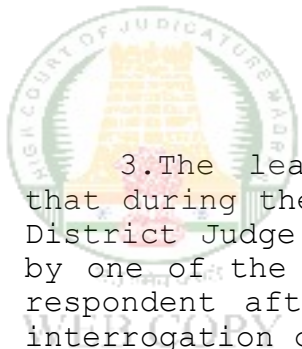
For Respondent : MR.A.GOKULAKRISHNAN, Additional public Prosecutor

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who have been arrested on 24.10.2021 by the respondent police and remanded to judicial custody on 25.10.2021 for the alleged offence punishable under Section 201, 204, 212, 404 and 120B of IPC. Now it was altered to include 302 IPC in S.C.No.2 of 2018 in Cr.No.158 of 2017 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioners have conspired together with other accused persons to trespass into the premises of Selvi J.Jayalalitha, former Chief Minister of Tamilnadu situated at Kodanadu Tea Estate in Kodanadu Panchayat at Kothagiri Taluk, the Nilgiris District. In prusuanace of the said conspiracy, on 23.04.2017 night, they formed into an unlawful assembly and trespassed into the premises with deadly weapons and committed dacoity and murder of Mr.Om Bhagadur, 10th gate security and caused multiple injuries to Mr.Krishna Thapa, 8th gate security and escaped from the scene of occurrence. Hence, the complaint.



3.The learned counsel appearing for the petitioner submitted that during the defence stage in S.C.2 of 2018 pending on the file of District Judge Nilagiri, an application was filed for reinvestigation by one of the accused and it was allowed by the lower Court and the respondent after initial reinvestigation, taken the petitioners for interrogation on 22.10.2021 in Reserve Police Complex Salem-7 and were arrested on 24.10.2021 and were remanded to judicial custody on 25.10.2021. On the application of the respondent police, the custody of the petitioners were allowed for only 10 days by the lower Court despite which, the petitioners were in judicial custody from 22.10.2021 i.e for 40 days including the police custody. Thereafter, the petitioners/A11 and A12 were taken to the police custody from 28.10.2021 to 01.11.2021 and extended the custody till 06.11.2021. Subsequently, the the Section was altered to 201, 204, 212, 404, 302 and 120B of IPC. The offences alleged against the petitioners are bailable except 302 and 120B IPC.

4. He further submits that bail petitions were filed by the petitioners before the Sessions Judge, Nilagiri and the same were dismissed on 10.11.2021 in C.M.P.No.633 of 2021 and on 26.11.2021 in C.M.P.No.721 of 2021. The trial Court has dismissed the petitions on the ground that the petitioners would tute the witnesses and prevent the prosecution from gathering further evidences and there was no change in the circumstances. He furthermore submits that the first petitioner is under psychiatric treatment in Salem for the past 5 years and he was under treatent for diabetes and blood pressure. Hence, he prays to grant bail to the petitioners.

5.The learned Additional Public Prosecutor submitted that the deceased Kanagaraj is the brother of the petitioner/A11 and the petitioner/A12 is his nephew, who are alleged to have burnt the cellular phone used by the accused Kanagaraj with an intention to cause the disappearance of the vital evidence and with an intention to screen themselves. During the interrogation, three cell phones with 9 sim cards were seized from the petitioners herein and the same were sent to RFSL, Coimbatore for forensic analysis on 19.11.2021 and the report is yet to be received. He further submits that the charge sheet has been file and that the investigation is almost completed. Since, the petitioners have played vital role in the alleged occurrence, he vehemently opposed for grant of bail to the petitioners.

6. Though charge sheet has been filed, as per the petition filed by one of the accused for further investigation which was allowed by the lower Court and was challenged by one of the witnesses and said application was dismissed by this Court. Accordingly, for further investigation, these petitioners were taken for custodial interrogation and the cell phones which were recovered from these petitioners were sent to RFSL, Coimbatore for forensic analysis and yet the report has to be received and the investigation is almost completed.



7. On seeing the nature of the case as well as that further investigation was going to be conducted by the respondent police even after filing of charge sheet which requires a detailed investigation and also that if the petitioners are released on bail, they would abscond and tamper the evidence. Hence, this Court is not inclined to grant bail to the petitioners.

8. Accordingly, this Criminal Original Petition is dismissed.

-sd/-  
17/12/2021

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 JUDGE,  
THE NILAGIRI.

2 ADDITIONAL SUPERINTENDENT OF POLICE,  
THE NILGIRIS IN SHOLURMATTM POLILCE STATION

3 THE OFFICER INCHARGE  
GUDALUR, THE NILGIRIS DISTRICT.

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

+1 CC to M/S.C.N.VINOBHA Advocate on payment of necessary charges  
SR.NO.15136

CRL OP.24280/2021

Date :17/12/2021

JPA 30/12/2021