



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty Second day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL ORIGINAL PETITION Nos.3605 & 4365 of 2022

D.ARIVALAGAN

[PETITIONER / ACCUSED
IN CRL.O.P.No.3605/2022]

SAKTHIVEL

[PETITIONER / ACCUSED
IN CRL.O.P.No.4365/2022]

Vs

STATE REP. BY
INSPECTOR OF POLICE
ATTUR RURAL POLICE STATION,
ATTUR,
SALEM DISTRICT.
CRIME NO.467 OF 2021

[RESPONDENT
IN BOTH PETITIONS]

For Petitioner : M/S A.RAJKUMAR Advocate
[IN CRL.O.P.No.3605/2022]

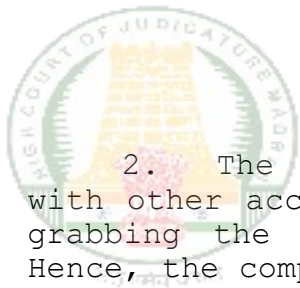
For Petitioner : M/S E.KANNADASAN, Advocate
[IN CRL.O.P.No.4365/2022]

For Respondent : M/S.G.V.KASTHURI, Additional public Prosecutor
[IN BOTH PETITIONS]

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who were arrested and remanded to judicial custody on 04.12.2021 and 07.12.2021 respectively for the offences punishable under Section man missing and subsequently altered into Sections 147, 148, 294(b), 302, 201 & 120(b) of IPC in Crime No.467 of 2021, on the file of the respondent police, seek bail.



2. The case of the prosecution is that the petitioners along with other accused murdered one Subbu @ Subramani for the purpose of grabbing the immovable property of 7 acres of agricultural land. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that the petitioners herein are arrayed as A-5 and A-4 in the petition mentioned case, based on the confession statement given by the other accused. According to them, the petitioners are in judicial custody from 1st week of December 2021. Hence, they pray for bail.

4. The learned Additional Public Prosecutor appearing for the respondent police raised objection stating that investigation is pending. She would further submit that in respect to the investigation, after the occurrence, the present petitioners herein buried the dead body of the deceased in A-2's land and subsequently, after exhume the same thrown away the bones in the river. It is her further submission that before committing the murder, the accused herein after obtaining the signature from the deceased in an empty stamp paper, created a valuable security.

5. Considered the submissions made by the learned counsel appearing on either side. The petitioner in CrI.O.P.No.4365 of 2022 is arrayed as A-4 and the petitioner in CrI.O.P.No.3605 of 2022 is arrayed as A-5. The respondent police registered a case as against the petitioners for the offences punishable under Sections 147, 148, 294 (b), 302, 201 & 120(b) of IPC. Though nothing has been stated in the First Information Report, investigation reveals that the alleged offence had happened due to the property dispute. More than that, after committing the murder of the deceased, the petitioners and others attempted to screen the evidence.

6. In the said circumstances, though the petitioners are in judicial custody from the month of December 2021, considering the gravity of offence committed by these petitioners, this Court came to the conclusion that, if these type of petitioners are released on bail, they may try to tamper the witness and hamper the investigation. Hence, these Criminal Original Petitions are dismissed.

-sd/-

22/02/2022

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
ATTUR RURAL POLICE STATION,
ATTUR, SALEM DISTRICT.

2 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

3 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S A.RAJKUMAR Advocate on payment of necessary charges

CRL OP.3605 & 4365/2022

Date :22/02/2022

JPA 01/03/2022