



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty Sixth day of April Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.9572 of 2022

1 VENKATACHALAM
2 THIYAGARAJAN
3 SIVAKUMAR
4 SRINIVASAN
5 RAYAPPAN
6 CHINNADURAI

[PETITIONERS / ACCUSED]

Vs

THE STATE REP BY
INSPECTOR OF POLICE,
THALAIVASAL POLICE STATION,
THALAIVASAL,
SALEM DISTRICT
CRIME NO.86 OF 2022

[RESPONDENT]

For Petitioners : M/S.R.PAVITHRA Advocate

For Respondent : M/S.G.V.KASTHURI, Additional public Prosecutor

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested for the offences under Sections 147, 447, 506(1) of I.P.C. and Section 3(1) of Prevention of Damage to Public Property Act, 1984, seeks bail.

2.It is a case where a gang armed with deadly weapon had gone to the village of the defacto complainant Ramasamy on 01.03.2022 and damaged his field and motor pumpsets. When the defacto complainant questioned them, the gang has threatened him with dire consequences with the weapon and therefore, he has lodged a complaint before the respondent police on 01.03.2022 and the same got registered in F.I.R. No.85 of 2022 by the respondent police for the alleged offences under Sections 147, 447, 506(1) of I.P.C. and Section 3(1) of Prevention of



Damage to Public Property Act, 1984 against Venkatachalam and 7 other accused. While so, after the complaint, when the defacto complainant returned home, the same gang had trespassed into his house and started attack on the defacto complainant, his sister and wife. While the defacto complainant and others in the family were able to escape from their attack, the sister of the defacto complainant was brutally murdered by the gang lead by Venkatachalam and others. Hence, the complaint for murder has been registered on 02.03.2022 in F.I.R.No.86/2022 against Venkatachalam and others. These petitioners were arrested by the respondent police and the present petition is filed in respect of Crime No.86 of 2022.

3.Learned Additional Public Prosecutor appearing for the respondent states that it is a case of brutal murder by the armed gang due to the dispute over 6 1/2 acres of land. As far as the Petitioner No.5 Rayappan, Son of Pachamathu is concerned, he is the accused in Crime No.85/2022 and arrested in that crime and not in Crime No.86 of 2022 whereas the other petitioners 1 to 4 and 6 are concerned, they are accused A1, A7, A8, A9 and A10 respectively in Crime No.86/2022 and these petitioners have made unlawful assembly and armed with deadly weapon and caused brutal murder of one Poovaiye. Since the investigation is still pending and the three accused are still absconding, the learned Additional Public Prosecutor appearing for the respondent opposed bail to these petitioners.

4.This Court, considering the gravity of the crime and the same being caused for resorting to police action and considering that if the petitioners are released on bail, they will endanger to the life of the defacto complainant at this stage, has dismissed the criminal original petition.

-sd/-
26/04/2022

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,
THALAIVASAL POLICE STATION,
THALAIVASAL, SALEM DISTRICT



2 THE OFFICER INCHARGE
SUB JAIL, THIRUCHENKODU.

3 THE OFFICER INCHARGE
SUB JAIL, SALEM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. M.D.THIRUNAVUKKARASU Advocate on payment of
necessary charges SR.NO.6425

CRL OP.9572/2022

Date :26/04/2022

JPA 29/04/2022