



Crl.O.P.No.5389 of 2023

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A.D.JAGADISH CHANDIRA,J.

The petitioners, who were arrested and remanded to judicial custody on 10.05.2022, for the alleged offences punishable under Sections 147, 148, 302 of IPC @ Sections 147, 148, 120(b), 449 and 302 of IPC, in Crime No.124 of 2020, on the file of the respondent Police, seek bail.

2. The case of the prosecution as per the defacto complainant, who is doing silver business, is that A1, who is the native of Uttar Pradesh, has worked under the defacto complainant and received an advance amount of Rs.95,000/- and went to his native. After some days, A1 came along with others and demanded employment. When the defacto complainant refused to give employment, A1 asked shelter for one day. The defacto complainant gave the shelter for one day, at that night, A1 along with other accused joined together, conspired to steal silver from the defacto complainant and the same was heard by the victims namely Akash, Vandhanakumari and Sunilkumar, who were working under the defacto complainant. On knowing that their conspiracy was heard by the victims, the accused have murdered the victims.



Crl.O.P.No.5389 of 2023

Based on the complaint, a case in Crime No.124 of 2020 came to be registered for the offence under Sections 147, 148 and 302 of IPC, which was later altered to one under Sections 147, 148, 120(b), 449 and 302 of IPC (3 counts). Hence the case.

3. The learned counsel for the petitioner would submit that the petitioners are innocent persons and a false case has been registered against them. He would further submit the co-accused viz., A1 to A3 in this case have already been granted bail by the learned Judicial Magistrate No.I, Salem, in Crl.M.P.Nos.1160 of 2020 and 1371 of 2020 dated 09.07.2020 and 21.12.2020 respectively. He would further submit that the investigation has been completed and the case now stands posted for committal on the file of the learned Judicial Magistrate No.I, Salem. He would also submit that the petitioners are in judicial custody from 10.05.2022 and they have to engage the counsel to conduct their case. Hence, he prays for grant of bail to the petitioners.



Crl.O.P.No.5389 of 2023

WEB COPY

4.The learned Additional Public Prosecutor appearing for the respondent opposed for grant of bail to the petitioners stating that it is a case of triple murder for gain and the accused have planned to commit theft of 100 kgs of silver from the manufacturing unit of the de-facto complainant and for which, they have committed the murder of three innocent victims and escaped from the scene of occurrence. He would further submit that there are totally five accused in this case and they have escaped and gone to Uttar Pradesh and with great difficulty, the respondent Police have earlier arrested A1 to A3 and later, since the respondents were unable to file the charge sheet, they were granted statutory bail by the learned Magistrate. He would further submit that as far as these petitioners are concerned, they have been arrested after 2 years of the occurrence. Moreover, the accused who have been granted bail have also absconded and the petitioners were arrested with great difficulty. At this stage, if bail is granted to the petitioners, there is every possibility of him to abscond and it would be difficult for the respondent to secure them again. He would further submit that the respondent Police is taking steps to split up the case as against these petitioners and conduct the trial. He would also submit that there are totally 53 witnesses in this case and the respondents would be



Crl.O.P.No.5389 of 2023

able to complete the trial within the specified time after splitting up the case against the petitioners.

5. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent and perused the entire materials available on record.

6.It is a case where three persons have been murdered for gain. It is the case of prosecution that A1 to A3 were earlier arrested and granted statutory bail by the learned Magistrate and after coming out on bail, they have been absconded. It is the further case of prosecution that with a great difficulty, the petitioners were arrested by the respondent, only after 2 years of the occurrence. The petitioners are the residents of Uttar Pradesh and if the petitioners are granted bail at this stage, there is every possibility of them to abscond which would derail the progress of trial.

7.Taking into consideration the facts and circumstances of the case,the submissions made by the learned Additional Public Prosecutor and



Crl.O.P.No.5389 of 2023

also considering the nature of the offence committed by the petitioner, this Court finds that it is not a fit case for granting bail, thereby, this Court is not inclined to grant bail to the petitioner.

8. Accordingly, this Criminal Original Petition is dismissed,. However, a direction is issued to the learned trial Judge to split up the case as against the petitioners and thereafter complete the trial as expeditiously as possible, preferably within a period of nine months from the date on which the case has been taken on file.

16.03.2023

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