



CrI.O.P.No. 6621 of 2023

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T.V.THAMILSELVI, J.

The petitioner, who was arrested and remanded to judicial custody on 12.01.2023 for the alleged offence under Sections 174 of Cr.P.C. and subsequently it was altered into Sec. 147, 302, 363, 120-B, 201 of I.P.C. in Crime No.572 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant's father Mr.D.Masthan, aged about 66 years, was appointed by the State Government as the Vice-Chairman of Tamil Nadu State Minorities. The petitioner is the younger brother of deceased. The petitioner's son-in-law A1, who had received a sum of Rs.15 lakhs from the deceased and he did not repay the amount. However, due to a property dispute as well as money dispute, on 21.12.2022 at about 10.30 p.m. when the deceased went to Chengalpattu along with Mr.Imran Basha (A1), who was driving the car and two other accused, while crossing Chengalpattu tollgate, at that time, A1's friends get into a car and they have closed the nose of deceased with a



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dowel, thereby he died due to shortness of breadth. Thereafter, he was taken to a hospital and the doctors stated that he brought dead. Accordingly, the complaint was registered against the petitioner.

3. The learned counsel for the petitioner submitted that the petitioner is ranked as A6 and brother of deceased falsely implicated this petitioner as accused in this case. He would submit that there is no property dispute between the petitioner and his brother and all are family members. He would submit that only based on suspicion ground, the defacto complainant gave a complaint under Sec.174 of Cr.P.C. and subsequently, it was altered into Sec.302 of I.P.C. He would submit that he is an innocent person and he has not at all committed any offence as alleged by the respondent police and he is no way connected with the said occurrence. He would submit that there is no role of the petitioner in the alleged offence and he has been falsely implicated as accused in this case. He would further submit that the investigation is almost completed and that the petitioner has been suffering incarceration from 12.01.2023 and this is the second petition seeking for bail. Hence, he prayed to grant bail to the petitioner.



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4. The learned counsel for intervenor would submit that he has lodged a complaint over the suspicious death of his father in the early hours on 22.12.2022 after he left out of his residence at Royapettah with his nephew-in-law A1 on the night of 21.12.2022, which was registered under Sec.174 of Cr.P.C. Upon investigation, it reveals that on the date of occurrence, due to a family dispute as well as money dispute, while travelling in a car from Chennai to Trichy, A1 with the help of other accused, they closed the nose of deceased with a dowel, thereby he died due to suffocation, however, they have created a scene that he died due to heart attack. Accordingly, in the alteration report, the respondent police found the death of his father to be a case of murder and arraigned A1 to A5 and charged them for the aforesaid offences and the respondent police also confirmed the involvement of petitioner, younger brother of deceased and father-in-law of A1 in the criminal conspiracy surrounding the murder of his father and remanded him into custody. The learned counsel would submit that the petitioner is the person, who planned to kill the deceased along with his son-in-law, A1. Hence, he prayed to dismiss this petition.



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5. The learned Government Advocate (Crl. Side) appearing for respondent would submit that totally, there are 7 accused involved in this case and the petitioner is arrayed as A6. He would submit that son-in-law of this petitioner and other accused, who were get into a car subsequently, joined together, due to a dispute over the family property as well as money dispute, while travelling in a car, they closed the nose of deceased with a dowel, thereby due to suffocation, he died, however, they have created a scene that he died due to heart attack. So, it is a pre-planned murder and all the accused were arrested. He would submit that the charge sheet was filed and he is the main accused and the investigation reveals that in order to get benefit during the division of family property, his son-in-law involved in the incident and this petitioner also accompanied him. He would also submit that if he is released on bail, he may abscond and he would tamper the witnesses and hamper the investigation and the investigation is not yet completed and it is in preliminary stage. Hence, he vehemently opposed to grant bail to the petitioner.

6. Considering the facts and circumstances of the case and the submissions made by both counsel and the fact that all are family members



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and on considering the gravity of offence committed by the petitioner that due to a family dispute as well as money dispute, this petitioner, who was a younger brother of deceased, along with A1 joined with other accused, while travelling in a car from Chennai to Trichy, closed the nose of deceased with a dowel, thereby he succumbed to shortness of breath and thereafter, they have created a scene that he died due to cardiac arrest and the alleged murder was occurred, thereby originally the F.I.R. was registered under Sec.174 of Cr.P.C. and upon investigation, it came to light that it is a pre-planned murder and the post-mortem report also reveals the same and on considering the fact that investigation is still pending and if he is released on bail, he may abscond and there is possibility of tampering the witnesses and hampering the investigation, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

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