



Crl.O.P.No.7267 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 174 @ 302 of IPC in Crime No.213 of 2022, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Govindhasamy, Village Administrative Officer, Poothanahalli Village, Dharmapuri District, that two unidentified dead bodies were found along with Aadhar cards and other identity cards lying within his jurisdiction. Hence, the case in Crime No.213 of 2022 came to be registered under Section 174 of Cr.P.C. During the course of investigation, it came to light that the deceased persons are from Kerala and that the accused who had enmity on account of financial transaction, brought the victim from Kerala in the guise of business transaction and kept them in a lodge in Erode and thereafter they have taken them to the place of occurrence and committed murder one after another and left the bodies there. Hence the case.



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3. Mr.S.Ashok Kumar, learned Senior Counsel appearing for the petitioner would submit that this is the third application for anticipatory bail. Originally the case was registered under Section 174 of Cr.P.C and later, based on the confession statement recorded from the arrested accused, it has been altered under Section 302 IPC and the petitioner has been falsely implicated in this case. Other than that there was business transaction between the petitioner and the deceased in which the deceased have cheated the petitioner, there is no material or link to fix the petitioner in this case. He would further submit that the prosecution had solely relied on the confession statement alleged to have been recorded from the arrested accused when they were in custody and there is no other material to implicate the petitioner in this case and thereby he prays for grant of anticipatory bail to the petitioner.

4. The respondent has filed a detailed counter. As per the counter affidavit, the learned Government Advocate (CrI. Side) would submit that this is the third application for anticipatory bail. It is the case



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where on 19.07.2022, the Village Administrative Officer, Poothanahalli Village, Dharmapuri District, having found two dead bodies with identity cards had given a complaint. Based on the complaint, the case was initially registered under Section 174 Cr.P.C and during the course of investigation, it was found that the petitioner had some enmity with the victims, on account of some financial transactions and thereby the petitioner has engaged other accused. Accordingly, they have taken the deceased to a lodge at Erode and thereafter they have taken them to the place of occurrence and committed murder and to screen the evidence, they have taken the dead bodies to Dharmapuri and thrown it in Poothanahalli Village, Dharmapuri District. He would further submit that during the course of investigation it is found that the petitioner was in constant touch with the other accused, who have committed murder through his Mobile No.9787666606. Later the petitioner was also present at the scene of occurrence, when one of the deceased was murdered and there are also materials to show by way of CDR records and Tower location that the petitioner was constantly monitoring the entire operation. He would further submit that after dismissal of earlier application for



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anticipatory bail there is no change of circumstances and the custodial interrogation of the petitioner is very much required in this case thereby he prays for dismissal of the petition.

5. It is a case of gruesome, preplanned double murder. Taking into consideration the facts and submissions and further it is also stated by the prosecution that there are ample materials available by way of electronic and digital records that the petitioner is involved in this case, this Court is not inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this Criminal Original petition is dismissed.

13.06.2023

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