



Crl.O.P.Nos.11628 of 2023 and 11758 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Orders reserved on 18.07.2023	Orders pronounced on 24.07.2023
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THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.Nos.11628 of 2023 and 11758 of 2023

M.Suresh ... Petitioner in Crl.O.P.No.11628 / 2023

S.Thiyagarajan ... Petitioner in Crl.O.P.No.11758 / 2023

.Vs.

State represented by
The Inspector of Police
Ammamet Police Station
Salem District.
(Crime No.156 of 2023)

... Respondent in both Crl.O.Ps.

Crl.O.P.No.11628 of 2023 is filed under Section 438 Cr.P.C. praying to grant bail to the petitioner in the event of his arrest in Crime No.156 of 2023 on the file of respondent police.

Crl.O.P.No.11758 of 2023 is filed under Section 438 Cr.P.C. praying to enlarge the petitioner on bail in the event of his arrest in Crime No.156 of 2023 for offence under Sections 147, 120(B) and 302 IPC, on the file of



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respondent police.

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For Petitioner in Crl.O.P.11628 of 2023	:	Mr.John Sathiyam Senior Counsel for Mr.L.K.Charles Alexander
For Petitioner in Crl.O.P.11758 of 2023	:	Mr.M.Udaiya Bhanu
For Respondent in both Crl.O.Ps.	:	Mr.N.S.Suganthan Government Advocate (Crl. Side)

COMMON ORDER

These Criminal Original Petitions are filed praying to grant bail to the petitioner in these Criminal Original Petitions, in the event of their arrest in Crime No.156 of 2023 on the file of respondent police.

2. Mr.John Sathiyam, learned senior counsel appearing for Mr.M.Suresh kumar, petitioner in Crl.O.P.No.11628 of 2023 submitted that petitioner is first accused in this case. He is falsely implicated in this case on the basis of the complaint given by the deceased's wife Tmt. Priyanka. Priyanka is a woman of immoral character. She had illicit affair with another



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person. Deceased is a close relative of first accused. False Allegation was made by the defacto complainant that first accused tried to misbehave with her. This allegation was made only with a view to extract money from first accused. The deceased had criminal cases pending against him and he had many enemies. In support of his submission, he produced the photograph of the defacto complainant with another person and photograph of the deceased Ranjith Kumar's sister with another person and the copy of WhatsApp communication by the defacto complainant. There is delay of 16½ hours in giving the complaint. There is no material to show that the petitioner gave money to other accused for murdering the deceased. Petitioner had no connection with the accused, who had actually murdered the deceased. By unnecessarily implicating the deceased as an accused in this case, respondent police is harassing the petitioner. Therefore, this petition is filed for seeking anticipatory bail.

3. Mr.M.Udaiya Bhanu, learned counsel for the petitioner in Crl.O.P.No.11758 of 2023 submitted that the petitioner/A2 Thiagarajan is an advocate practising in Salem. He is unnecessarily and falsely implicated



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in this case. As an advocate, he conducted civil case on behalf of first accused. Therefore he had occasions to meet first accused in connection with pending case. That cannot be a ground for implicating him as an accused. In fact, he helped in surrendering some of the accused in this case. Only to harass the petitioner, he is implicated as an accused. Thus, he seeks for anticipatory bail. In support of his submission, he pressed into service the judgment reported in *(2011) 1 SCC 694 (Siddharam Satlingappa Mhetre ..vs.. State of Maharashtra and others)* for the proposition that if the accused joined investigation, cooperating with the investigation and not likely to abscond, custodial interrogation should be avoided and anticipatory bail should be granted.

4. In reply, learned Government Advocate (Criminal side) submitted that the deceased was murdered after a conspiracy cast among the accused. First accused had multiple illicit intimacies. He tried to misbehave with the wife of deceased Ranjith Kumar, namely defacto complainant Priyanka. Deceased was a close relative of first accused and working for him. On knowing from the defacto complainant that first accused tried to



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misbehave with her, deceased got annoyed with, angered against first accused and had a plan to teach him a lesson. Sensing this and to preempt any action from the deceased, first accused conspired with second accused and other accused and committed murder of the deceased. To murder the deceased, first accused, second accused and third accused met and devised a plan. First accused paid money to third accused. The assailants were also paid money by second accused and sixth accused, after the murder. There is evidence available in the form of cell phone conversations. Evidence is also available for the meeting of the accused and devising plan to commit the murder of deceased.

5. Considered the rival submissions and perused the records.

6. The gist of the first information report is that the deceased Ranjith Kumar had separated from his first wife Durga and thereafter, he married defacto complainant Priyanka. Defacto complainant's mother-in-law and deceased mother Latha had a sister named Sridevi. Her husband is first accused Sureshkumar, a real estate and car consulting business operator. The deceased used to accompany first accused Sureshkumar. Sridevi died



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15 years back and thereafter, Sureshkumar had affair with Latha. He also had affair with Durga. Defacto complainant used to accompany Sureshkumar along with her husband in connection with real estate business. 2½ years before, Sureshkumar tried to misbehave with her when he took her for buying a cell phone to her. She refused to yield to his advances. Later, she informed her husband about this incident. Deceased met Sureshkumar and picked up a fight with him and warned him that he would not leave him for misbehaving with defacto complainant. Thereafter, he stopped working for the defacto complainant. Since then, Sureshkumar planned to murder the deceased. Sureshkumar and Gunasekaran arranged for the detention of the deceased under Goondas Act. Gunasekaran threatened that he would murder the deceased. On 03.05.2023 at about 10:30 hours, for celebrating the birthday of Briyani Mani, Briyani Mani, Mahi, Pugazh and some unidentified persons came to defacto complainant's house and took the deceased with them. When she contacted the deceased at 3:00 a.m., he informed that he was with Biryani Mani and friends. After 3:30 a.m, he did not pick up the phone. Thereafter, his whereabouts was not known. On 04.05.2023 at about 7:00 p.m, she heard that someone was



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found dead opposite to Vediappan temple. On visiting the place, she found that her husband was found dead with multiple injuries. Suspecting that Sureshkumar and Gunasekaran are responsible for the murder of her husband, she gave the complaint.

7. Respondent filed status report. Status report contains the details of cell phone conversations between defacto complainant and Gunasekaran on 18.11.2022. This conversation gives an indication that the deceased had planned to kill Sureshkumar and sought assistance of Gunasekaran. It is claimed that knowing the plan of deceased Ranjith Kumar to kill Sureshkumar, he outsmarted him by murdering him in conspiracy with others.

8. CCTV footage is available to show that deceased Ranjith Kumar, Mahendra Bhupathi and Puzhal came to Vijaya Coffee Bar and then, they went from there in a two wheeler at about 03.40 hours on 04.05.2023. The cell phone conversations between deceased cell phone number 82702 50234 and Pugalendi cell phone number 95666 47510 show that they were



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near Udayapatti tower at about 3:58 a.m. On 04.05.2023. Accused Mahendra Bhupathi's cell phone number (88079 60214) location was shown at Salem New Bus Stand at 01.29.48 a.m. on 04.05.2023. Watchmen working in women's hostel, located in front of the scene of occurrence, gave a statement that at about 3.45 hours on 04.05.2023, three persons were standing near the scene of occurrence. Later, he identified them in the police station. Third accused Gunasekaran's cell phone number 96261 08599 location was last seen near Salem New Bus Stand at 02.39 hours on 04.05.2023 and then, switched off. It shows that he followed Ranjith Kumar to commit murder.

9. The investigation revealed that Pugazhendi and Mahendra Boopathi stabbed the deceased Ranjith Kumar with beer bottle. Witness Shridhar spoke about the conspiracy among Mahendra Bhoopathi and Madan Kumar.

10. It is the case of the prosecution that A6 Madan @ Madan



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Kumar conspired with Advocate Thiagarajan (A2) and Sureshkumar (A1) and A3-Gunasekaran was engaged for murdering the deceased Ranjith Kumar. A4- Mahendra Bhoopathi was engaged to assist A3-Gunasekaran. On the advice of A2-Thiagarajan, two Vodafone SIM cards were purchased by A6 - Madan Kumar in his name. The SIM card number 96265 10298 was taken by A2-Thiagarajan and SIM card number 90870 20633 was taken by A6-Madan Kumar. Both utilised the SIM cards from 22.04.2023 till the date of murder ie., 04.05.2023. They contacted 89 times within 13 days. Second accused Thiagarajan acted as a bridge for linking the accused A6-Madan Kumar with A1-Sureshkumar and A3-Gunasekaran.

11. Learned Government Advocate (Criminal Side) submitted that first accused and second accused made conspiracy at Saravanampatty. A3 received a sum of Rs.1,00,000/- on 19.04.2023 as an advance for murdering the deceased Ranjith Kumar. Meeting among A1, A2 and A3 had taken place at Saravanampatti at Coimbatore on 18.04.2023 and all of them conspired and charted out a plan to murder the deceased. A6- Madan Kumar followed the movement of Ranjith Kumar on 03.05.2023 and



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informed the advocate A2-Thiyagarajan. In turn, A2-Thiyagarajan contacted A1 and spoke to him. The call details are available. After receiving information of murder of deceased through A5-Pugazhenthir from cell phone number 90870 20633 to 96265 10298 continuously 3 times, second accused contacted first accused from his old cell phone number 86678 14513 at 04.45.22 hours. A2-Thiyagarajan took A6-Madan Kumar in Maruti Swift Car bearing Registration Number TN-30 AF 4567 to Hosur and met A4-Mahendra Boopathi and A5-Pugalendi and paid Rs.50,000/-. The documentary evidence for meeting is available in the form of tollgate Trancection print out. Learned Government Advocate (Criminal Side) also produced the details of call records collected in the form of typed set.

12. From the submission of learned Government Advocate (Criminal Side) and the status report filed in this case, it is not as though there is no incriminating material available against these petitioners. There is clear motive established against first accused Sureshkumar, for him to commit murder of deceased Ranjith Kumar and there are incriminating materials available to show that the petitioners had met prior to commission



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of murder of the deceased. There were frequent cell phone conversations among the accused prior to and after the murder of accused Ranjith Kumar. Certain facts, which are exclusively within the knowledge of the accused can be only known, if they are secured and enquired. Therefore, this Court is of the view that there are enough incriminating materials available as discussed above to arrest the petitioners in this case and to proceed further with the investigation.

13. In this view of the matter, this Court is not inclined to grant anticipatory bail to the petitioners and these Criminal Original Petitions are dismissed.

24 .07.2023

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Index :Yes/No

Internet:Yes

Speaking Order/Non-speaking Order

To

1. The Inspector of Police
Ammapet Police Station

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Salem District.

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2. The Public Prosecutor,
Madras High Court,
Chennai.



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G.CHANDRASEKHARAN,J.

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**common order in
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and 11758 of 2023**

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