



Crl.O.P.Nos.1263, 1339 & 1679 of 2024

WEB C **C.V.KARTHIKEYAN,J.**

The accused 10 and 11 have filed Crl.O.P.No.1263 of 2024, the 9th accused has filed Crl.O.P.No.1339 of 2024 and the 16th accused has filed Crl.O.P.No.1679 of 2024, all in Crime No.406 of 2024, registered originally for the offences under Sections 294(b), 324, 307 and 363 of IPC against four persons and thereafter, on the basis of further enquiry and informations received, the offences were altered to Sections 147, 148, 294(b), 354, 302, 201, 120(b) of IPC on 13.11.2023. After further enquiry, on 23.11.2023, the FIR was further altered to Sections 147, 148, 294(b), 120(b), 302, 354, 201 of IPC.

2.This is the case where two persons had been murdered which would effectively mean that Section 302 IPC is on 2 counts. There are totally 16 accused. The Investigating Officer has taken into custody A1 to A13. However, A14, A15 and A16 are absconding. It is today informed that A14, had surrendered before the Magistrate Court, A15 is still absconding and A16 has filed anticipatory bail in Crl.O.P.No.1679 of 2024.



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3.It is the case of the prosecution that on 13.11.2023, one K.Mari, father of one of the deceased, Gowtham had lodged a complaint before the respondent that at around 8.30 p.m., his son and his son's friend Santhosh were assaulted by four accused persons with knife and they had also kidnapped his son Gowtham in a Honda Amaze car bearing Regn.No.TN-19-AJ-5092. The said Santhosh, who is one of the deceased had suffered injuries and had gone over to the hospital and when he came out of the hospital, he was again assaulted causing death. Thereafter, the body of the son of the deceased was found at Othivakkam Lake and it was found with antemortem injuries all over the body and it was evident that he had been murdered and thrown into the Lake.

4.It is stated by the learned Government Advocate (Crl. Side) for the respondent that steps have been taken to detain A1, A2, A3 and A4 under Tamil Nadu Act 14 of 1982.

5.It is the contention of the learned counsels for the petitioners that the names of none of these petitioners namely A9, A10, A11 and A16 are found in the FIR. It is also stated that there are no previous cases as against A9, A10 and



A11. It is further stated that there are no direct overt acts alleged as against the said three accused who seek bail and anticipatory bail. It is stated that at the most they had only assaulted the deceased with hands and therefore it is stated that taking that factor into consideration, and the period of incarceration which is more than 80 days, this Court should grant bail.

6.The learned counsel for A16 who seeks anticipatory bail stated that the name of A16 had come into the picture only on the basis of the confession of A9 who incidentally has filed bail application before this Court in CrI.O.P.No.1339 of 2024. It is stated that when one of the deceased namely Santhosh, who had run away from the initial assault, was coming out of the hospital, at that time, this accused namely A16 and two other accused namely A14 and A15 who are both absconding, except for A15 who had surrendered just two days back, came there in a car and when they were found that the said Santhosh not died, A15, had come out of the car and had again assaulted the deceased Santhosh causing death. So far as this petitioner/A16 is concerned, it is contended that he stayed back in the car and therefore had not committed any offence at all.



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7. Counter affidavits have been separately filed in all the three cases and the learned Government Advocate (Crl. Side) for the respondent vehemently opposed for grant of any relief either bail or anticipatory bail. So far as A16 is concerned, it is stated that he is the main person who had planned out the entire murder of both the deceased and therefore stated that custodial interrogation is required of A16. It is stated that he is still absconding and since he is absconding and his name had come out during the course of investigation through the confession of A9, Janarthanan, his role will have to be analysed. It is stated that A15, whom the learned counsel for A16 had mentioned, is still absconding.

8. It is seen that A14, A15 and A16 had come over near the hospital together in one car and further they had the common intention and when they saw the said Santhosh was still alive, one of them namely A15 had got down from the car and had assaulted the said Santhosh and causing death. This would not mean that this petitioner was not aware and innocent of all the offences. In a case of murder particularly double murder, anticipatory application is not at all maintainable and has to be ruled out at the very threshold.



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9. Investigation will have to be done and the accused will have to be taken into custody. Further interrogation will have to be done as to the motive as to why there were two murders committed. Further motive will have to be established as to why one of the deceased was chased up to the hospital and later when came out of the hospital was again murdered. Further investigation will have to be done as to why the body of the other deceased was thrown in a lake to screen the offences. All these require deep investigation.

10. In view of all these facts, I am not inclined to grant bail or anticipatory bail. Accordingly, these Criminal Original Petitions are dismissed.

06.02.2024

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