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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Friday, the First day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) Nos.1931 & 1933 of 2024

KRISHNAKUMAR @ KRISHNA

... PETITIONER / ACCUSED NO.2
in CRL OP(MD)No.1931 of 2024

ESWAR SAI TEJU ALIAS TEJU

... PETITIONER/ ACCUSED No.3
in CRL OP(MD)No.1933 of 2024

Vs

THE INSPECTOR OF POLICE
VIRUDHUNAGAR EAST POLICE STATION,
VIRUDHUNAGAR DISTRICT.
CRIME NO.41 OF 2021.

... RESPONDENT / COMPLAINANT
in BOTH THE PETITIONS

in BOTH THE PETITIONS:

For Petitioner : M/S.BALASUBRAMANIAM C, Advocate

For Respondent : Mr.B.NAMBISELVAN, Additional Public Prosecutor

PETITION FOR BAIL's Under Sec. 439 Cr.P.C.

COMMON PRAYER:

FOR BAIL's IN CRIME NO.41 OF 2021 ON THE FILE OF THE RESPONDENT
POLICE.



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ORDER : The Court Made the following order :-

The petitioners/ A2 and A3 have voluntarily surrendered before the trial Court and remanded to judicial custody on 22.01.2024 for the offences punishable under Sections 120(B), 147, 148, 149, 364, 302, 404 and 201 of IPC and Section 25(1A) and 26(1B)(b) of Arms Act, in Crime No.41 of 2021, on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 11.02.2021, the deceased wife Murugalakshmi filed a complaint before the respondent police alleging that her husband namely, Senthilkumar left the home on 08.01.2021 by saying that he was going to work in Chennai. On 10.02.2021 at about 07.10 p.m., he had spoken with the defacto complainant lastly and thereafter, his phone was switched off and she was not able to contact him and she did not know his whereabouts thereafter. Thereby, she made a complainant before the respondent police. After investigation, the respondent police identified the accused person and registered a case against the petitioners.

3.The learned counsel for the petitioners would submit that the petitioners



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were arrayed as A2 and A3 and earlier, they filed anticipatory bail applications before this Court in CrI.O.P.(MD)Nos.21222 and 17233 of 2023 and the same was dismissed, against which, they filed appeals before the Hon'ble Apex Court in SLP Nos.16697 and 16708 of 2023 and the Hon'ble Apex Court vide its order dated 06.12.2023 and 25.09.2023 confirmed the order passed by this Court, dismissed the SLP and also directed the petitioners to surrender before the trial Court. Pursuant to which, the petitioners were surrendered before the trial Court. He would further submit that as per the prosecution case, initially a man missing complaint was filed and thereafter, there was a previous enmity between A1 and the deceased person, for which, as per the instructions of A1, the petitioners joined together and committed murder in the gun shot and thereafter, by using the sword, the body was cut into several pieces and thrown away in the Thamirabarani river. Thereby, the respondent police registered a case against the petitioners. However, there is no specific overt act against the petitioners. It is a put-up case. There was a relationship between A1 and A3 and in order to wreck vengeance against A1, the respondent police registered a case against the petitioners and subsequently, one case was foisted in a similar nature against A2 and there are four previous cases pending against A3, out of which, one case was registered under 302 IPC and all those offences were prior to the occurrence and for the past 3 years, the petitioners did not



involve in any offence as stated by the learned Additional Public Prosecutor. Hence,

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he pray for bail.

4.The learned Additional Public Prosecutor would submit that as per the instructions of A1, A2 using his own pistol and shot the deceased person on the head and thereafter, using the sword, the petitioners cut the body into several pieces and threw it away in the Thamirabarani River. The way in which, the petitioners committed a murder of the deceased is alarming. He would further submit that apart from this case, one murder case was pending against A2 and there are five previous cases pending against A3, out of which, one case was murder case and he vehemently opposed to grant bail to the petitioners.

5.Considering the facts and circumstances of the case and also considering the allegations levelled against the petitioners and the previous antecedents of the petitioners, this Court is not inclined to grant bail to the petitioners. Hence, these Criminal Original Petitions are dismissed.

sd/-

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Sub-Assistant Registrar

(C.S. I / II / III / IV)

Madurai Bench of Madras High Court,

Madurai - 625 023.

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TO
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- 1 THE INSPECTOR OF POLICE
VIRUDHUNAGAR EAST POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 2 THE OFFICER INCHARGE,
DISTRICT JAIL, VIRUDHUNAGAR.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) Nos.1931 & 1933 of 2024
Date :01/03/2024

SS/GS/SAR- /06/03/2024/5P/4C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023