

In the Court of the Principal District Judge, Madurai.

Present : Tmt.A. Nazeema Banu, B.A., L.L.M.,

Principal District Judge, Madurai.

Tuesday, this the 14th day of July -2020.

CrI.M.P.No.3008/2020 & 3053/2020.

P.Vigneshvathik, S/o.Parameshwaran

... Petitioner/Accused.
in Crmp No.3008/2020.

Ganeshbabu, S/o.Murugan

... Petitioner/Accused.
in Crmp No.3053/2020.

Vs

State through the Inspector of Police,

... Respondent/Complainant.

Samayanallur P.S. Cr.No.636/2020.

in Both Petitions.

This petition taken up today for hearing at request through e.mail/ e.petition and after hearing the arguments of Thiru.M.Sarangan, Advocate for the petitioner in Crmp 3008/2020 and Thiru.P.Saravanakumar, Advocate for the petitioner in Crmp 3053/2020 and of Thiru.M. Tamil Chelvan, the Public Prosecutor for the state over conference call, this court passed the following

Order

1.Bail applications u/s. 439 of Cr.p.c.

2. The offences alleged are U/s. 302 & 201 of IPC.

3. Heard.

4. Considered the argument of the both sides. The learned counsels for the petitioners in Cr.M.P.Nos.3008/2020 & 3053/2020 would submit that a case has been registered against the accused in Cr.No.636/2020 of Samayanallur P.S. U/Sec. 302 & 201 of IPC. The date of occurrence was on 17.5.2020. The petitioners were arrested on 19.5.2020 and they are in judicial custody for the past 57 days. Totally there are 2 accused in this case. The petitioner in Cr.M.P.No.3008/2020 is arrayed as A1 and the petitioner in Cr.M.P.No.3053/2020 is arrayed as A2. The case of prosecution is that the A1 brought the deceased from his house to the place of occurrence, which is remote

area. The A1 got help of the A2. The A2 cut the throat of the deceased. The A1 obtained loan from the deceased. On the basis of complaint given by the VAO, this case was registered. The deceased has many more enemies. The deceased is doing money lending business and with exorbitant interest. Therefore, so many cases pending against him with respect of Exorbitant Interest Act. The A1 is a MBA graduate and he is working as Assistant Manager in a private bank and there is no necessity to borrow money from the deceased. The mother of the A1 was admitted in the Thoppur Hospital due to Corona and he is having aged father. There is no previous case pending against the A1 and even no hurt case is pending against him. The petitioners are having permanent address. Investigation is almost over. Hence, there is no chance for tampering and hampering of witnesses and prays to grant bail to the petitioners.

5. The learned public prosecutor while advancing his argument has submitted that the date of occurrence was on 15.5.2020 and the VAO has given a complaint in this case on 17.5.2020. On 17.5.2020, the VAO of Samayanallur village found a burned dead body in the remote place with stab injury and on the basis of the complaint given by the VAO, the case was registered against the accused U/Sec. 302 and 201 of IPC. On 18.5.2020, one of the accused namely Ganseh babu/A2 was arrested and he has given confession. The A2 in his confession stated that A1 was working in Insurance Company and invested money in the share market, after borrowing the money from the deceased. The deceased forced for return of the money. The A1 was unable to return the money. Therefore, A1 and A2 conspired to do away the deceased. On the alleged date of occurrence i.e. on 15.5.2020, the A1 brought the deceased in a remote place near Samayanallur. The A1 has given Rs.1 lakh to the A2 to do away the deceased. The A1 caught hold the deceased, the A2 cut the right flank and right leg of the deceased with knife. Further, A1 and A2 stabbed the deceased indiscriminately. After death of the deceased, these 2 accused put a grinder stone on the deceased

and thereafter, they have burnt the body in order to screen the evidence. The learned public prosecutor raised strong objection stating that it is a brutal murder and bail cannot be granted within 57 days and investigation is still pending. Therefore, considering the gravity of offense and strong objection on the side of prosecution, this Court is not inclined to grant bail to the petitioners in Cr.M.P.Nos.3008/2020 & 3053/2020.

6. In the result, the bail petitions in Cr.M.P.Nos.3008/2020 & 3053/2020 are dismissed.

Pronounced by me in Camp Court on the 14th day of July -2020.

Sd/- A.Nazeema Banu

Principal District Judge, Madurai

Copy to

1. The Judicial Magistrate concerned.