



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

Friday, the Nineteenth day of June Two Thousand Fifteen
PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.10295 of 2015

WEB COPY

1 BABU ALIAS RATHINAVEL PANDIYAN
2 ATHUMANI ALIAS KUMARAVEL

... PETITIONER/ACCUSED Nos.7 & 9

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
CB CID, THANJAVUR
IN CRIME NO.2 OF 2015,
THANJAVUR , THANJAVUR DISTRICT.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.M.MICHAEL BHARATHI Advocate

For Respondent : MR.K.V.RAJARAJAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as A7 and A9 in Crime No.137 of 2015 on the file of the respondent police, were arrested and remanded to judicial custody on 06.04.2015 for the alleged offences punishable under Sections 147, 148, 341, 323, 324, 307, 302, 120-B and 109 of I.P.C., r/w. Section 3(1) of Tamil Nadu Property (Prevention of Damage and Loss) Act, 1992 and hence, seek bail.

2.The case of the prosecution is that when the deceased was going in his car, a car bearing Registration No.TN 49 Y 2404 came in the opposite direction and dashed against the deceased car. It is further alleged that four person hidden their identity by a kerchief and got down from their car and assaulted the inmates of the deceased car and at that time, the deceased escaped from the scene of occurrence, the accused chased him and brutally attacked him by lethal weapons and caused his death.

3.The learned counsel for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case. He further submitted that the petitioners are sib-lings and on the confession of the co-accused, they have been implicated in this case.



4.The learned Government Advocate (Criminal side) vehemently opposed the bail petition stating that there are 12 accused in this case and the petitioners are arrayed as A7 and A9 and the first petitioner/A7 has 5 previous cases and the second petitioner/A9 has one previous case and A10 is still at large. He further submitted that this is a case of murder of an Advocate; that the accused came out from a Ambassador car and attacked the deceased and at that time, another accused, namely Ramarajan had come on a two wheeler and caught hold of the deceased, while he was trying to escape from the scene of occurrence. It is further submitted that the eye witness also saw another Scorpio vehicle, in which the accused Babu, Ramasamy, Anthumani and Yasin were present and after the occurrence, all the accused escaped in that Scorpio vehicle and the Scorpio vehicle, in which the accused escaped could not be seized and the police were recovered country made bombs from the Ambassador car.

5.The learned Government Advocate (Criminal side) further submitted that the petitioners are brothers and they have involved in this brutal murder of an advocate due to previous motive and it is a pre-planned and well executed murder and therefore, they are not entitled for bail.

6.Considering the facts and circumstances of the case and also considering the submissions made by the learned Government Advocate (Crl.side), this Court is not inclined to grant bail to the petitioners. Hence, the criminal original petition is dismissed.

sd/-
19/06/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE INSPECTOR OF POLICE,CB CID, THANJAVUR,THANJAVUR DISTRICT.
 - 2 THE SUPERINTENDENT, CENTRAL PRISON,CUDDALORE.
 - 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,MADURAI.
- +1. CC to M/S.V.SASIKUMAR,Advocate SR.No.31989

ORDER IN
CRL OP(MD) No.10295 of 2015
Date :19/06/2015