



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Friday, the Ninth day of October Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.16935 of 2015

1 MATHAVA MAHESH
2 SELVAM
3 GOPAL
4 BALAYOGESH

..PETITIONERS/ACCUSED
(RANK NOT KNOWN)

T.MEENAKUMARI

..INTERVENOR

Vs.

STATE REP.BY THE INSPECTOR OF POLICE,
KENIKKARI POLICE STATION,
RAMANATHAPURAM, RAMANATHAPURAM DISTRICT.
(CRIME NO.318 OF 2015)

..RESPONDENT/COMPLAINANT

For Petitioner 1,3 & 4 : Mr.M.SUBASHBABU for Mr.B.DURAIPANDI Advocate
For Petitioner 2 : Mr.R.MURUGAN, Advocate
For Respondent : M/s.S.PRABHA, Government Advocate (Crl.Side)
For Intervenor : Mr.A.ANGUSAMY, Advocate

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

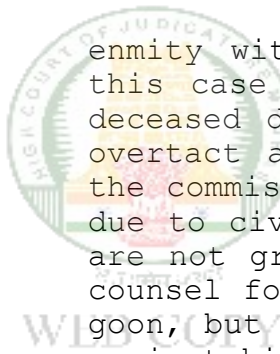
ORDER : The Court Made the following order :-

The petitioners, who are arrayed as A1, A2, A3 and A5 were arrested on 29.07.2015 and remanded to judicial custody for the alleged offences punishable under sections 147, 148, 149 and 302 IPC @ 120(b), 109, 302 IPC r/w 34 of IPC, in Crime No.318 of 2015 on the file of the respondent police and hence, seek bail.

2.The case of the prosecution is that the deceased Tamilarasan is a retired Assistant Executive Engineer from TNEB and there was a civil dispute pending between the Panchayat President Kottaichamy and the accused, in which the deceased had been intervening to help the said Kottaisamy. Further, the accused have also suspected the involvement of the deceased Tamilarasan in the murder of the brother of A3, namely Sundarraaj in the year 2013 and due to enmity, that on 12.07.2015 A1 to A3 have attacked the deceased with aruval and knife, at the instigation of A4 to A8.

3.Heard Mr.M.Subashbabu, learned counsel for the petitioners 1, 3 and 4 and Mr.R.Murugan, learned counsel for the 2nd petitioner and Mr.A.Angusamy, learned counsel for the intervenor as well as the learned Government Advocate (Criminal side) appearing for the State.

4.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely roped in this case. The learned counsel further submitted that the deceased Tamilarasan, who he was working as Assistant Executive Engineer in TNEB, he was doing money lending business and real estate business and he was refused his debtors from redeeming the property and he was having



enmity with other people also and the accused have been implicated in this case only on suspicion and even according to the prosecution, the deceased died due to the fatal injuries inflicted by A1 and A2 and the overtact attributed against A3 and A5 is that they have instigated for the commission of the offence. The learned counsel further submitted that due to civil dispute, A3 was falsely implicated in criminal cases, which are not grave in nature and that though, it is contended by the learned counsel for the de-facto complainant that A2 is the habitual offender and goon, but he has not produced any material to substantiate the allegation against him.

5.Per contra, Mr.A.Angusamy, learned counsel for the intervenor submitted that on 12.07.2015, A1 and A2 have committed the daylight murder that too in front of the Collectorate of Ramanathapuram and it is a pre-planned murder and CCTV footage would reveal that three persons were chasing the deceased in a two wheeler. It is further submitted that all the accused conspired themselves and planned to commit the murder of the deceased and that the 6th accused Vijayakumar, who is the nephew of A3 Gopal had come from Dubai to murder the deceased and after the occurrence, he escaped on the same day to Dubai and the investigation is in prime stage and if the accused are released on bail, they will hamper further investigation.

6.The learned Government Advocate (Criminal side) filed a counter affidavit stating that the investigation so far reveals that A1 drove his two wheeler along with A2 as pillion rider and they have followed the vehicle of the deceased on instructions from A3 and A4 and after approaching near Tamilarasan, A2 Selvam cut with sickle on his back side of the neck and after falling down from the vehicle, A1 severed his head with knife and the accused have planned to murder the said Tamilarasan for retaliation of the murder of the Sundarraaj. It is further contended that A3 Gopal is a habitual offender and notorious criminal in that area and he has involved in 11 pervious cases and due to the brutal murder, tension is prevailing in that area and police security has been posted.

7.Considering the overtact attributed against **petitioners 1 and 2, this court is not inclined to grant bail to them and hence, this petition is dismissed against them.** Considering the allegations made against the petitioners 3 and 4, **this court is inclined to grant bail to the petitioners 3 and 4 with certain conditions.**

8.Accordingly, the petitioners 3 and 4 are ordered to be released on bail, on each of them executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate No.2, Ramanathapuram and on further condition that the petitioners 3 and 4 shall appear before the respondent police daily at 10.00 p.m until further orders.

sd/-

09/10/2015

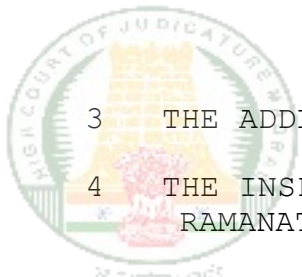
/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE JUDICIAL MAGISTRATE No.II, RAMANATHAPURAM.

2 -do-thro' THE CHIEF JUDICIAL MAGISTRATE, RAMANATHAPURAM.



3 THE ADDL.PUBLIC PROSECUTOR,MADURAI BENCH OF MADRAS HIGH COURT,MADURAI .

4 THE INSPECTOR OF POLICE, KENIKKARI POLICE STATION,
RAMANATHAPURAM, RAMANATHAPURAM DISTRICT.

5 THE OFFICER INCHARGE, SUB JAIL, RAMANATHAPURAM.

+1. CC to M/S B.Durai Pandi, Advocate SR.No.60037

ORDER IN
CRL OP(MD) No.16935 of 2015
Date :09/10/2015

PBK/SK-SKN/SAR-I 12/10/2015 ::3P-7C::