



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

Friday, the Twenty Seventh day of February Two Thousand Fifteen

PRESENT

WEB COPY

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.2356 of 2015

1 GNANATHIRAVIAM

2 XAVIER SELVARAJA

FLORANCE

... PETITIONERS / ACCUSED 1 & 2

... INTERVENER

Vs

THE STATE REP.BY

THE INSPECTOR OF POLICE,

VALLIYOOR POLICE STATION,

TIRUNELVELI DISTRICT,

(CR.NO.45/2015)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.M.AJMAL KHAN & T.LAJAPATI ROY, SENIOR COUNSELS
FOR M/S.S.R.ANBARASU, ADVOCATE

For Respondent : M/S.A.P.BALASUBRAMANIAN, Govt. Advocate (Crl.Side)

For Interveners: M/S.R.RAMACHANDRAN & S.RAMASAMY, Advocates

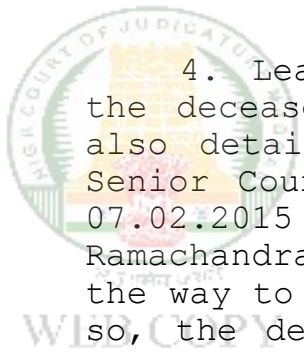
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 341, 365 and 302 IPC in Crime No.45 of 2015 on the file of the respondent police, seek anticipatory bail.

2. Heard Mr.Ajmal Khan, learned Senior Counsel and Mr.T.Lajapathi Roy, learned counsel for Mr.S.R.Anbarasu learned counsel for the petitioner, the learned counsel for the Intervenor and the learned Government Advocate (Crl.Side) appearing for the State. Learned counsel for the Intervenor strongly opposed to the grant of anticipatory bail to these petitioners.

3. The case of the prosecution is that the deceased in this case is one Ramachandran, who was found in a public place with serious injuries and was brought to the Government Hospital, Palayamkottai on 06.02.2015 in the afternoon. Thereafter, based on the complaint given by his brother by name Gunasekaran, the respondent police registered a case in Crime No.45 of 2015 for offences under Sections 147, 148, 341, 365 and 302 IPC against three known persons and 10 unknown persons. The 1st petitioner is the father of the 2nd petitioner. The name of these petitioners figure in the FIR.



4. Learned Senior Counsel for the petitioners submitted that the deceased has to his credit several criminal cases and he was also detained under Act 14 of 1982 earlier as a Goonda. Learned Senior Counsel further brought to my notice a paper clipping from 07.02.2015 issue of Dinakaran, wherein it is stated that one Ramachandran was found with serious injuries in an open field and on the way to the hospital, he died in the ambulance itself. If that is so, the defacto complainant, who has stated in the complaint that his brother Ramachandran gave him a dying declaration implicating these petitioners and others, cannot be true.

5. This Court called for the Case Diary and found that the deceased Ramachandran was brought alive to the hospital on 06.02.2015. Even in the Accident Register, it is stated that he was assaulted by 15 known persons at Thirumalapuram. Therefore, this Court cannot place any reliance on the newspaper version and in any event, newspaper reports cannot be a substantive piece of evidence for the facts in issue.

6. In the confession of the arrested accused, it is seen that these petitioners had planned to eliminate Ramachandran on account of personal rivalry and they went about in search of the deceased in order to eliminate him. When they learnt that the deceased was travelling in a Town Bus that was going towards Thisaiyanvilai, these accused had gone in their car and intercepted the bus. Some of the assailants entered the bus in broad light, pulled the deceased out of the bus into their car driven by these petitioners and thereafter killed him. Just because, the deceased has bad track record, these petitioners cannot take law into their hands and commit the offence in such a dastardly manner. It was represented by the Police that there is a case in Crime No.306 of 2014 on the file of the Palavoor Police Station, Tirunelveli District against the 1st petitioner.

7. Taking into consideration the serious nature of allegations against these petitioners, this Court is not inclined to grant anticipatory bail to them. Hence, the Criminal Original Petition is dismissed.

sd/-
27/02/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE INSPECTOR OF POLICE, VALLIYOOR POLICE STATION,
TIRUNELVELI DISTRICT.
 - 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.S.R.ANBARASU, Advocate SR.No.9251.