



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Monday, the Twelfth day of January Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP (MD) No.23956 of 2014

A.ALLAN

..PETITIONER/ACCUSED No.7

Vs.

STATE REP.BY THE INSPECTOR OF POLICE

PALAYAMKOTTAI POLICE STATION,

TIRUNELVELI DISTRICT.

CR. NO. 299/2014.

..RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.R.DURAIRAJ Advocate

For Respondent : Mr.A.P.BALASUBRAMANI, Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 147 and 306 IPC in Crime No.299 of 2014, seeks anticipatory bail.

2. This is second anticipatory bail petition and the first anticipatory bail petition in Crl.O.P.(MD) No.18287 of 2014 was dismissed on 02.12.2014. The case of the prosecution has been disclosed in the counter filed by the State in Crl.O.P.(MD) No.18287 of 2014 as under:

"4. I humbly submit that the prosecution case is that the deceased Subramaniam was working as a Professor in F.X.Polytechnic College, Tharuvai in Tirunelveli District. Al-Mervin Babu was a 3rd year student of Civil Engineering in the same college. On 16.4.2014, Al Mervin Babu came to the college examination late by 6 2.30 PM. When the lecturer Thiru Elango questioned Al for his indiscipline activities, Al picked up quarrel with Thiru Elango which developed into an altercation. Professor (the deceased) Subramaniam and the college bus driver Tr.Sudhakar intervened. Since Al Mervin Babu behaved ugly, the deceased Subramaniam in the capacity of professor sent out Al from the college. On returning home, Al Mervin Babu had collected all the accused including the petitioner herein, came to the house of the deceased, brought the deceased Subramaniam to the medical college ground at Palayamkottai on 16.4.2014 at about 19.30 hours on the wrong promise that Al Mervin babu wishes to get apology from him and assaulted him indiscriminately with hands and sticks with intention to murder him.

5. I submit that one Arun, the brother of the deceased Subramaniam who happened to witness the occurrence had intervened and shouted for help. Then only the accused ran away. Since the deceased was mentally and physically upset, he

Tr.Arun, a case in Tirunelveli Medical College Police Station crime number 108/2014 under section 147, 148, 342, 294(b), 323,



307 IPC was registered against all the accused including the petitioner herein.

6. I submit that after the occurrence, all the accused came to the house of the driver Tr.Sudhakar at about 21.00 hours on 16.4.2014 and attacked him and his wife brutally for his intervention in the college quarrel for which offence, Tirunelveli Taluk Police Station crime number 121 of 2014 under section 147, 148, 452, 294(b), 323, 307, 506(ii) IPC r/w Section 4 of the TNPHW Act was registered against all the accused including the petitioner herein.

7. I submit that the deceased Tr.Subramaniam who was attacked by the accused including the petitioner herein felt very much humiliated and dejected and committed suicide by hanging in his house on 16.4.2014 night for which incident, this case in Palayamkottai Police Station Crime Number 299 of 2014 under section 147, 306 IPC was registered against all 11 named accused including the petitioner herein and 9 unnamed persons."

3. Learned counsel for the petitioner submitted that the co-accused in this case has been granted bail by the learned Sessions Judge and produced a copy of the order in Crl.M.P.No.32 of 2014. Learned counsel further contended that the name of the petitioner does not figure in the FIR, but whereas learned Government Advocate (Crl.Side) produced the case diary, which discloses that involvement of this petitioner has been stated by several accused, who were arrested by the Police, in their confession statement.

4. Taking into consideration the gravity of the allegation against this petitioner and further the deceased is a Teacher worthy of veneration, I am not inclined to grant anticipatory bail to this petitioner. Hence, the Criminal Original Petition is dismissed.

sd/-

12/01/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

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

2 THE INSPECTOR OF POLICE,PALAYAMKOTTAI POLICE STATION,
TIRUNELVELI DISTRICT.

ORDER IN

CRL OP(MD) No.23956 of 2014

Date :12/01/2015

PBK 20/01/2015 ::2P-3C: