



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

Wednesday, the Twenty Second day of April Two Thousand Fifteen

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PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.7160 of 2015

1 NAGARAJAN
2 SELVAM

... PETITIONERS /ACCUSED NOS.19 & 22

Vs

THE STATE REP.BY
THE DEPUTY SUPERINTENDENT OF POLICE,
KARAIYUR POLICE STATION, KARAIYUR,
PONNAMARAVATHI TALUK, PUDUKOTTAI DISTRICT.
IN CRIME NO.29 OF 2012. ... RESPONDENT / COMPLAINANT

For Petitioner : M/S.N.ANANTHAPADMANABHAN, Advocate

For Respondent : M/S.K.V.RAJARAJAN, Govt. Advocate (Crl. Side)

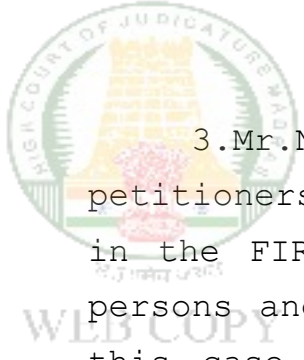
For Intervener : M/S.P.GANAPATHI SUBRAMANIAN, Advocate

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

ORDER : The Court Made the following order :-

The petitioners are A19 and A22 apprehend arrest at the hands of the respondent police for the alleged offences punishable under sections 147, 148, 452, 435 324, 323, 354, 307, 394, 395, 397, 506(ii) and 414 of IPC and section 3(1) of PPDL Act, in Crime No.29 of 2012 on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that on 26.06.2012, the accused persons trespassed into the house of the de-facto complainant, armed with lethal weapons and caused extensive damage to the articles of the de-facto complainant and also set fire to the two wheelers worth about Rs.15 Lakhs and 70 bags of paddy and also had looted 50 sovereigns of gold jewels of the de-facto complainant.



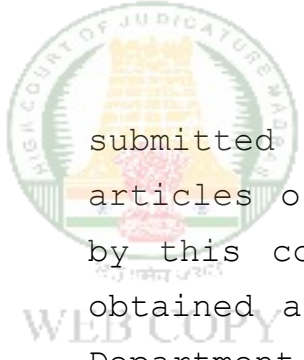
3.Mr.N.Ananthapadmanabhan, learned counsel appearing for the petitioners submitted that the petitioners' name does not find place in the FIR and it is specifically filed against 17 named accused persons and only on 22.11.2012, the petitioners were implicated in this case, on the basis of 164 Cr.P.C statement recorded by the learned Judicial Magistrate, Thirumayam.

4.It is further submitted that in this case, the respondent had already completed the investigation in October 2013 and there is no specific overtact against these petitioners and there is no materials against them. The learned counsel further submitted that the petitioners are senior citizens of 82 years and 52 years. The respondent has completed the investigation and laid charge sheet and they have apprehension of arrest at the stage of committal of the case to the Court of Sessions.

5.Per contra, Mr.P.Ganapathi Subramanian, learned counsel appearing for the intervenor vehemently opposed the application stating that the earlier application in CrI.O.P(MD)No.2790 of 2014 was filed after filing of the charge sheet and when this court was not inclined to grant anticipatory bail to the petitioners, the learned counsel has withdrawn the petition in respect of the petitioners and the other accused were granted anticipatory bail.

6.It is further contended that the respondent police has not done proper investigation and they have colluded with the accused and therefore, the de-facto complainant had filed an application in CrI.O.P(MD)No.10707 of 2012 for transfer of the investigation and on the basis of the order passed by this court on 03.08.2012, the Superintendent of Police directed the Deputy Superintendent of Police to conduct investigation.

7.The learned counsel further submitted that there are specific materials against these petitioners and the same was clearly stated in the counter filed in CrI.O.P(MD)No.2790 of 2014. It is further



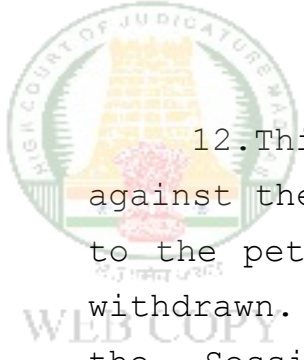
submitted that the accused have caused extensive damages to the articles of the de-facto complainants and despite the order passed by this court in CrI.O.P(MD)No.14777 of 2014, the police has not obtained assessment of value of the damages from the Public Works Department and prays for the dismissal of the anticipatory bail petition.

8.Heard the learned Government Advocate (Criminal side) appearing for the State and perused records.

9.This is the second anticipatory bail application filed by the petitioners. The petitioners along with 17 other accused had moved an application for anticipatory bail and this court, after perusing the charge sheet, had granted anticipatory bail to the other accused and in respect of these petitioners, the application was dismissed as withdrawn on 01.04.2014.

10.Subsequently, the petitioners, without disclosing the dismissal of the petition by the High Court, moved an application for anticipatory bail before the learned Principal Sessions Court, Pudukottai, by filing CrI.M.P.No.1322 of 2014. The learned Judge had also granted anticipatory bail and thereupon, on an application filed by the de-facto complainant, the anticipatory bail was cancelled by the Sessions Court on 02.12.2014. The revision filed by the petitioners, challenging the order of cancellation was also dismissed by this court on 09.02.2015.

11.It is seen that in CrI.O.P(MD)No.2790 of 2014, this court, after perusing the charge sheet filed in this case, has stated that the 19th accused along with 5 other accused have involved in setting fire to the two wheelers and caused damage of Rs.15,00,000/- and A22 along with 6 other accused have broke open the almirah and committed threat of 45 sovereigns of gold jewels.



12. This court, after considering the materials available against the petitioners, was not inclined to grant anticipatory bail to the petitioners and therefore, the application was dismissed as withdrawn. The subsequent cancellation of the anticipatory bail by the Sessions Court was also confirmed by this court in CrI.R.C.No.501 of 2014.

13. In view of the above facts and circumstances of the case, I am not inclined to grant anticipatory bail to the petitioners and therefore, it is dismissed.

sd/-
22/04/2015

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

TO

1 THE DEPUTY SUPERINTENDENT OF POLICE,
KARAIYUR POLICE STATION, KARAIYUR,
PONNAMARAVATHI TALUK, PUDUKOTTAI DISTRICT.

2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.N.ANANTHAPADMANABHAN, Advocate SR.No.21102.

+1. CC to M/S.P.GANAPATHI SUBRAMANIAN, Advocate SR.No.21570.

ORDER IN
CRL OP(MD) No.7160 of 2015
Date :22/04/2015

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