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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Thursday, the Seventh day of May Two Thousand Fifteen
PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.7851 of 2015

SURESH @ KASINIVENTHAN @ ASIRDURAIRAJ, ... PETITIONER/ACCUSED NO.8

Vs

STATE REP BY
THE INSPECTOR OF POLICE
CBCID TUTICORIN WING,
IN CRIME NO.2/2015 ... RESPONDENT/COMPLAINANT

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

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

For Intervener : MR.S.BASKAR MATHURAM, Advocate

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

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 17.03.2015 for the alleged offences punishable under Sections 302, 294(b), 506(ii) IPC r/w 3(2)(v) of SC/ST (POA) Act, 1989 in Crime No.2 of 2015 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution has been narrated in the counter filed by the Investigating Officer. One Lakshmanan, belonging to the Dalit Community was hacked to death on 22.02.2015 by persons belonging to another community. In connection with this, a case in Srivaikundam Police Station Crime No. 57 of 2015 was registered and five accused were arrested by the Srivaikundam Police on 26.02.2015. On the orders of the State Government, the case was transferred to the CBCID, which took up the investigation on 27.02.2015 and re-registered the case as CBCID Crime No.2 of 2015 for offences under Sections 302, 294(b), 506(ii) IPC r/w 3(2)(v) of SC/ST (POA) Act, 1989. The CBCID Police took into Police custody the five accused, who were arrested by the Srivaikundam Police for further interrogation.

3. Coming into the involvement of this petitioner, in Paragraph Nos.6 and 7 of the counter, it is stated as follows:

"6. It is further submitted that, on 09.03.2015, on knowing the CBCID efforts to arrest the acused Maruthupandi, the aforesaid accused maruthupandi, S/o.Muthuramalingam, Perur, Srivaikundam Taluk surrendered

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before the Reddiyarpatti VAO, TR.Ganapathy and gave an extrajudicial confession before him. The aforesaid VAO produced the accused before me on 09.03.2015 at 18.30 hrs. Further the accused voluntarily gave confession to me on the same day. Based on the accused Maruthupandi confession one Hero Honda two wheeler bearing register No.TN 69 K 9947 was recovered from kayathar two wheeler stand under the cover of Mahazar. Based on the confession of the accused Maruthupandi and Paramasiva @ Siva, the Perumpathu Suresh @ Kasiniventhan @ Asir Durai Raj, S/o.Srirengathevar, was arrayed as an accused in this case. The accused Maruthupandi confessed in his voluntary confession that after his release from the central jail, Palayamkottai on 13.02.2015, he met the accused Suresh @ Kasiniventhan @ Asir Durairaj at Perumpathu and at that time the accused Suresh induced him to murder the deceased Lakshmanan @ Baskar in the interest of their community. He also told him to seek the help of accused Bathalam and Paramasiva @ Siva to execute the offence. He also told him if he executed the murder the accused Pathalam would accept the burden of murder. In pursuance of the above said conspiracy, the accused Maruthupandi conspired with the other accused and planned for the said murder and executed their plan.

7. It is submitted that I have arrested the petitioner / accused Suresh @ Kasiniventhan @ Asir Durairaj, Aged 39/2015, S/o.Srirengathevar of Perumpathu Street, Srivaikundam on 17.03.2015 at 4.00 hrs and at that time the petitioner/accused A8 gave a voluntarily confession to me in front of the independent witnesses. Based on the aforesaid accused confession 1-revolver and 6-rounds kept with him without any license, 5-Swords and 2-aruvals were recovered from the accused. Further on the same day at 11.30 hrs the accused was sent to remand."

4. Learned counsel for the petitioner submitted that the name of the petitioner was not disclosed in the confession statement of the five accused, who were arrested by Srivaikundam Police and were taken into police custody by the CBCID also. Therefore, he submitted that the petitioner being a prominent member of his community, has been roped in falsely by the CBCID.

5. Per contra, it is submitted by the learned Government Advocate (Crl.Side) that there are nine cases pending against this petitioner and that he has masterminded the murder of the deceased Lakshmanan.

6. Learned counsel for the defacto complainant strongly objected to the grant of bail to this petitioner on the ground that if bail is granted, he will surely intimidate the witnesses and would tamper with the course of investigation.

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7. This Court carefully considered the rival submissions.

8. The murder of Lakshmanan, a prominent member of the Dalit Community had taken place in a very gruesome manner very recently on 22.02.2015. This petitioner was arrested only on 17.03.2015 and the investigation by the CBCID is in a stage of infancy. In Paragraph No.8 of the counter, it is stated as follows:

> *"8. It is submitted that the averments stated in Para-3 and Para-4 of the bail petition of the petitioner/accused A8 are far from truth. The petitioner/ accused A8 has a strong affiliation towards his own caste people and has enmity on the other caste people. Investigation about the background of the petitioner / accused revealed that he had always planned to eliminate people of the other community who oppose his community. Cases were booked against him for such crimes committed by him. The petitioner/accused A8 has been arrayed as an accused in this case based only on strong evidences against him collected during the investigation. It is also ascertained that the petitioner / accused had been the main perpetrator of the offence committed."*

9. In view of the above, this Court is not inclined to grant bail to this petitioner. Hence, the Criminal Original Petition is dismissed.

sd/-
07/05/2015

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

TO

1 THE INSPECTOR OF POLICE
CBCID TUTICORIN WING,

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

3 THE SUPERINTENDENT, CENTRAL PRISON, CUDDALORE

+1. CC to M/S.S.R.DURAIRAJ Advocate SR.No.25196

ORDER
IN
CRL OP(MD) No.7851 of 2015
Date :07/05/2015

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NA/11/05/2015/P3/5C