



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

Thursday, the Fifteenth day of September Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice C.T.SELVAM

CRL OP(MD) No.16342 of 2016

MANIMARAN @ RAJA

... PETITIONER / ACCUSED No.3

Vs

1 State rep.by
THE INSPECTOR OF POLICE
PATTUKOTTAI TOWN POLICE STATION,
PATTUKOTTAI,
THANJAVUR DISTRICT.
(CRIME NO. 307 OF 2016)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.K.Chellapandian Senior Counsel for
M/S.A.THIRUVADI KUMAR Advocate

For Respondent : Mr.K.V.Rajarajan Govt. Advocate (Crl. Side)

For Intervenor : Mr.D.R.Murugesan, Advocate

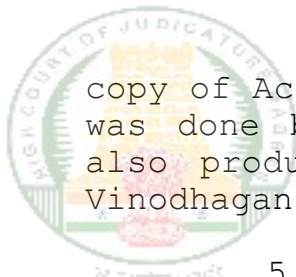
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

Petitioner/A3 prays for grant of anticipatory bail under section 438 of Cr.P.C. for offences punishable under sections 147, 148, 341, 302, 120(B) and 109 of IPC in Crime.No.307/2016 on the file of respondent police.

2.The case of the prosecution is that due to political enmity petitioner along with other accused waylaid the defacto complainant and deceased and attacked them with deadly weapons. Due to the injury caused by them, the deceased died.

3.Learned Senior counsel appearing for petitioner submits that while the prosecution alleges that the occurrence took place at about 5.30 pm on 03.07.2016, the First Information Report was registered at 22 Hours i.e after delay of 41/2 hours, while the place of occurrence is just One kilometer away from the Police Station. The Accident Register of the deceased informs that the attack on him was carried out by 30 unknown persons. Further learned counsel referred to the order of this Court in Crl.OP.(MD).No.14973 to 14975 of 2016, wherein while granting bail to three of accused persons, this Court has recorded in "paragraph nos.4 and 5"as follows:-



"4.The learned counsel for the petitioners has produced a copy of Accident Register of the deceased and submitted that assault was done by some unknown persons. The learned Senior Counsel has also produced CCTV footage to show that the petitioners were in Vinodhagan Memorial Hospital, Thanjavur on the date of occurrence.

5.The learned Government Advocate (Crl.Side) submitted that prior to the occurrence, a case has been registered against the petitioners and others in Crime.No.536 of 2015 and due to that motive, as a revenge, the petitioners and other accused persons attacked the deceased. The CCTV footage produced by the learned Senior counsel is true. The petitioners conspired together and arranged others to murder the deceased. Investigation is in preliminary stage and the petitioners are influential persons. If the petitioners are released on bail, they will tamper the evidence and hamper the investigation".

Learned counsel refers the typed set of papers and submits that CCTV reveals that this petitioner was also in the Hospital at Thanjavur, when the occurrence took place.

4.Learned counsel for defacto complainant/intervenor submits that this case is one of brutal murder and while other accused surrendered, have been arrested and subsequently, granted bail, this petitioner should also be required to surrender before seeking bail.

5.Learned Government Advocate (Crl.Side) submits that petitioner is involved in one previous case and the investigation is pending.

6.On consideration of the facts and circumstances of the case and the rival submissions made, this Court is of the view that the petitioner can be granted the relief prayed for and accordingly;

a)In the event of arrest by or on appearance before the respondent police;

b) In the event of appearance before the learned Judicial Magistrate, Pattukkottai; within 15 days from the date of receipt of copy of the order,

i)Petitioner shall be enlarged on bail on executing a bond for Rs.10,000/- (Rupees ten thousand only) with two sureties each for like sum to his satisfaction;

ii)The petitioner shall report before the respondent police daily at 10.30 a.m. for a period of one month and thereafter, shall be available for interrogation as and when required.

sd/-

15/09/2016

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE, PATTUKKOTTAI

2 -do-thro THE CHIEF JUDICIAL MAGISTRATE, THANJAVUR AT KUMBAKONAM

WEB COPY

3 THE INSPECTOR OF POLICE
PATTUKOTTAI TOWN POLICE STATION,
PATTUKOTTAI,
THANJAVUR DISTRICT.

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

+1. CC to M/S.A.THIRUVADI KUMAR Advocate SR.No.52526

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ORDER

IN

CRL OP(MD) No.16342 of 2016

Date :15/09/2016