



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

Friday, the Twenty Sixth day of February Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP (MD) No.3477 of 2016

1 P. SURESH

2 A. MANOHAR @ THUPPAKKI MANOHAR

..PETITIONERS/ACCUSED 10 & 11

Vs.

STATE REP.BY

THE INSPECTOR OF POLICE

SAMAYAPURAM POLICE STATION,

TRICHY DISTRICT.

(CRIME NO. 665 OF 2015)

... RESPONDENT/COMPLAINANT

For Petitioners : M/S.C.VAKEESWARAN, Advocate

For Respondent : MR.A.P.BALASUBRAMANI,

Govt. Advocate (Crl. Side)

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

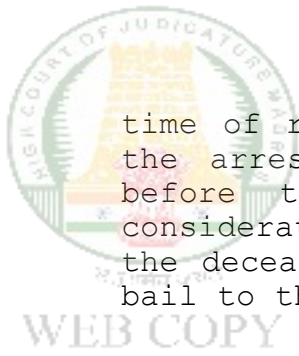
ORDER : The Court Made the following order :-

The petitioners, who were arrested and remanded to judicial custody on 29.12.2015 for the offences punishable under Sections 147, 148, 341 and 302 IPC in Crime No.665 of 2015 on the file of the respondent police, seeks bail.

2. Heard Mr.C.Vakeeswaran, learned counsel appearing for the petitioner and Mr.A.P.Balasubramani, learned Government Advocate (Criminal Side) appearing for the State.

3. It is the case of the prosecution that on 16.12.2015, a gang of four members brutally attacked a practising Advocate in the presence of his wife. On the complaint given by the wife of the deceased, FIR was registered initially against five persons and thereafter, during the course of investigation, A1 was arrested. Thereafter, A10 and A11 were arrested on 25.12.2015 and they are in incarceration since then.

4. The learned counsel for the petitioners submits that the eye witnesses had stated only about five persons and the name of the petitioners do not find place in the FIR. The FIR is not an encyclopaedia for the prosecution case. In the case of this nature, thus because of the eye witnesses had not stated the involvement of these petitioners, it cannot be stated that these petitioners, who were not at all involved in the offence. The learned counsel for the petitioners further submitted that in the remand application, the police have not stated the reasons for arresting the accused. I am unable to countenance the submission, in view of the fact that at the



time of remand, several aspects cannot be revealed to the Court in the arrest application and only the Case Diary will be produced before the Magistrate for perusal of the case. Taking into consideration the nature of the allegations and the manner in which the deceased had been attacked, this Court is not inclined to grant bail to the petitioners. Accordingly, this petition is dismissed.

sd/-

26/02/2016

/ TRUE COPY /

Sub-Assistant Registrar

TO

1 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

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

3 THE INSPECTOR OF POLICE
SAMAYAPURAM POLICE STATION,
TRICHY DISTRICT.

+1. CC to M/S T.A.PUNITHAN Advocate SR.No.11047

akm/04.03.2016/2p-5c/GSV/PM/AR-I

ORDER

IN

CRL OP(MD) No.3477 of 2016

Date :26/02/2016