



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

Tuesday, the Third day of January Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL MP(MD) No.12076 of 2016
and
CRL OP(MD) No.21515 of 2016

CRL MP(MD) No.12076 of 2016 in CRL OP(MD) No.21515 of 2016:-

RAMALINGAM ... PETITIONER/2ND PETITIONER

Vs

THE STATE REP.BY ,
THE INSPECTOR OF POLICE
PERAIYUR POLICE STATION,
RAMANATHAPURAM DISTRICT
CRIME NO.93 OF 2016

... RESPONDENT/RESPONDENT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to modify the condition to the effect that the petitioner shall appear before the Anna Nagar Police Station, Madurai instead of singning before the respondent police in Crl.OP(MD) No.21515 of 2016 dated 11.11.2016

CRL OP(MD) No.21515 of 2016:-

1 MURUGESAN
2 RAMALINGAM

... PETITIONERS / ACCUSED 1 & 2

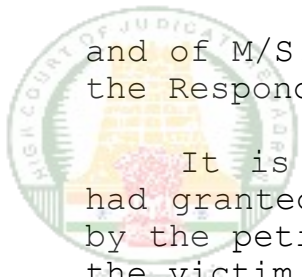
Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
PERAIYUR POLICE STATION,
RAMANATHAPURAM DISTRICT
CRIME NO.93 OF 2016

... RESPONDENT / COMPLAINANT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to release the petitioners on bail in the event of their arrest by the respondent police in Crime No.93 of 2016 on the file of the respondent police.

Order : These petitions coming on for orders upon perusing the petitions filed in support thereof and upon hearing the arguments of M/S.S.MUNIYANDI, Advocate for the petitioner in both the petitions



and of M/S.R.RAMACHANDRAN, Additional Public Prosecutor on behalf of the Respondent the court made the following order:-

It is brought to the attention of this Court that this Court had granted anticipatory bail on 11.11.2016, on the submission made by the petitioner and the learned Government Advocate(Crl.Side) that the victim has been discharged from the hospital.

2.When the matter came up for modification, this Court found that it is a case under Section 302 IPC and the question of discharge from the hospital does not arise and that one of the victims was discharged from the world and not from the hospital. Hence, this Court decided to recall the order *suo motu* and ordered notice to the petitioner. Learned counsel for the petitioner took notice and the very same counsel appeared and submitted that inadvertently, it was not brought to the notice of this Court. Atleast, after obtaining orders, he should have brought to the notice of this Court the above fact, which has not been done.

3.Since a serious offence is said to have been committed and that one of the victims has not been discharged from the hospital, but eliminated from the world, and that Section 362 Cr.P.C is not a bar, if there is any suppression of fact to recall the order, this Court is inclined to recall the order dated 11.11.2016 made in CRL.OP(MD)No.21515 of 2016. Since a serious offence is said to have been committed, the contention of the petitioner that charge sheet has already been filed, cannot be a ground to grant the relief to the petitioner and this Court is of the view that custody of the petitioner is required more so, when one of the accused is a lawyer. Further, there is suspicion whether the prosecution has joined hand-in-glove with the accused to get him released for an offence under Section 302 IPC, stating that one of the injured victims has been discharged from the hospital, instead of stating that it is a case of murder.

In the result, the order dated 11.11.2016 made in CRL.OP(MD) No.21515 of 2016 is recalled and CRL.MP(MD)No.12076 of 2016 and CRL.OP(MD)No.21515 of 2016 are dismissed.

sd/-

03/01/2017

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE, KAMUTHI
 - 2 -DO THROUGH- THE CHIEF JUDICIAL MAGISTRATE, RAMANATHAPURAM.
 - 3 THE INSPECTOR OF POLICE
PERAIYUR POLICE STATION, RAMNAD DISTRICT
 - 4 THE ADDL.PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- CSL/GSV-SV/SAR-III/11.01.2017 : 2P/5C

ORDER

IN

CRL MP(MD) No.12076 of 2016
AND

CRL OP(MD) No.21515 of 2016
Date :03/01/2017