

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

Monday, the Twentieth day of March Two Thousand Seventeen

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) No.2949 of 2017

DHANASEKARAN

... PETITIONER/ACCUSED NO.1

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
SIVAGANGAI TOWN POLICE STATION,
SIVAGANGAI.
CRIME NO.5 OF 2017

... RESPONDENT/COMPLAINANT

For Petitioner : MR.R.ANAND FOR MR.V.SASIKUMAR Advocate

For Respondent : MR.K.V.RAJARAJAN Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner who is arrayed as first accused in Crime No.5 of 2017 on the file of the respondent police for the offences under Sections 147, 148, 341, 294(b), 302 IPC & Section 3 of Tamil Nadu Public Property (Prevention of Damage and Loss) Act read with Section 3(1)(r)(s) & 3(2)(Va) of the SC/ST (POA) Act, seeks bail.

2.Due to political rivalry, this petitioner along with others have attacked the victim Saravanaraja with lethal weapons in front of a school when the deceased and his wife dropped their children at school. The wife of the deceased who is an eye-witness to the occurrence, has given a complaint to the police and based on the complaint, the law was set in motion leading to arrest of this petitioner and others.

3.The learned counsel for the petitioner submitted that though the local body election was announced, due to intervention of the Court, it was cancelled long before the occurrence and therefore, the motive attributed against this petitioner is imaginary one and further, the FIR narrating about the minute details of the assailants by the wife of the victim itself causes suspicion about its veracity.

4.The learned Government Advocate(Crl. Side) submits that due to political rivalry when the deceased decided to contest in the local body election, aggrieved by his decision, the petitioner and others have eliminated him in the day-light in front of the school.

5.The learned Government Advocate(Crl.Side) further submitted that the deceased and the assailants are known to each other and there was long-standing animosity between them which was well known to the wife of the deceased, who happened to be the eye-witness to the occurrence and therefore, there is no reason for the first informant to implicate false person for her husband's death.

6.The learned Government Advocate(Crl.Side) submitted that the petitioner is hard core criminal with very bad antecedents and if the petitioner is released on bail, it will be detrimental for the prosecution for conducting the trial. He also submitted the list of cases registered against this petitioner.

7.Taking note of the above objection made by the learned Government Advocate(Crl.Side), and the manner and place in which the crime is committed, this Court is of the opinion that this petitioner does not deserve any consideration for granting bail.

Hence, this Criminal Original Petition is dismissed.

sd/-
20/03/2017

/ TRUE COPY /

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

TO

1.THE INSPECTOR OF POLICE,
SIVAGANGAI TOWN POLICE STATION,
SIVAGANGAI.

2.THE SUPERINTENDENT,
CENTRAL PRISON,
MADURAI.

3.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT
MADURAI.

nbi

AE/SV MMS/SAR2/22.03.2017/2P/4C