



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

Tuesday, the Twenty Fourth day of July Two Thousand and Eighteen

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP (MD) No.12344 of 2018

RAJARAVI

... PETITIONER / 5th ACCUSED

Vs

THE STATE REPRESENTED BY,
THE INSPECTOR OF POLICE,
VIJAYANARAYANAM POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO.74 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.D.VENKATESH, Advocate.

For Respondent : Mr.CHELLAPANDIAN, Additional Advocate General,
Assisted by Mr.A.P.G.OHM CHAIRMA PRABHU,
Govt.Advocate (Crl.Side)

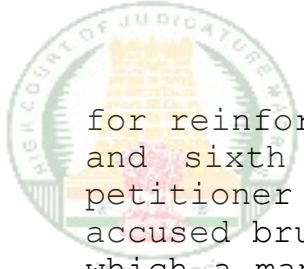
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner is in judicial custody since 10.05.2018 for the offences punishable under Sections 147, 148, 341, 332, 333, 353, 302, 379 I.P.C r/w Section 34 I.P.C in Crime No.74 of 2018, on the file of the respondent police. He seeks bail.

2.Heard the learned counsel for the petitioner and the learned Additional Advocate General appearing for the State.

3.On 06.05.2018 at about 22.15 hours, accused 1 to 3 were engaged in illegal transportation of sand. Police constable Jegadeeshdurai arrived on the spot on receipt of such information. The accused did not stop the vehicle even though they were called upon to do so by the said police constable. They had driven ahead. The said Jegadeeshdurai chased the vehicle. The information that the police constable was following the vehicle was conveyed by the petitioner herein to the first accused. The vehicle had suffered a breakdown and halted. Immediately, the accused 1 to 3 got down from the vehicle and hid themselves. The deceased police constable passed on information to Vijayanarayanam Police Station and asked



for reinforcement. In the meanwhile, the petitioner, fourth accused and sixth accused came in motor vehicle to the spot. As the petitioner namely, fifth accused kept a watch while the other accused brutally beat the police constable to death. The manner in which a man in uniform was done to death, sent shock waves through out Tamil Nadu. Even though the learned counsel for the petitioner pointed out that the petitioner is a physically challenged person and that he cannot move without the assistance of others, there are prima facie materials indicating the involvement of the petitioner in the commission of offence in question. Therefore, the petitioner does not deserve any indulgence or sympathy merely because he is physically challenged. He has taken active part in the commission of crime. In fact, the learned Additional Advocate General appearing for the State asserted that the petitioner is the brain behind the entire sand smuggling operation.

4.This Court is of the view that this is a case, in which, the accused will have to be in jail through out the trial. The deceased Police Constable was aged about 32 years. He has got a child and his young wife was four months pregnant, when the occurrence took place. It is not an exaggeration to state that the occurrence wrenched the hearts of every one. The manner in which the crime was committed and the fact that a man in uniform was done to death when he was discharging his duty, impels this Court to come to the conclusion that the accused does not deserve grant of bail. The occurrence had taken place on 06.05.2018. The final report has been ready.

5.The learned Additional Advocate General appearing for the State submitted that the final report will be filed in full without leaving any scope for returning the same. The concerned jurisdictional court is directed to take the same on file forthwith. The entire committal proceedings will be finalized within a period of two weeks from the date of receipt of a copy of this order. The learned Principal Sessions Judge, Tirunelveli is also directed to assign the case to the concerned Court immediately. Thereafter, without any delay, the trial Court to which the case will be assigned shall conduct the trial on day to day basis and conclude the entire trial proceedings within a period of three months thereafter.

sd/-
24/07/2018

/ TRUE COPY /

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

TO

1 THE INSPECTOR OF POLICE
<https://hcservices.courts.gov.in/hcservices/>
VILAIANARAYANAM POLICE STATION,
TIRUNELVELI DISTRICT.



2 THE SUPERINTENDENT
CENTRAL PRISON,
PALAYAMKOTTAI.

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

+1. CC to M/S.D.VENKATESH, Advocate, SR.No.74722.

ORDER

IN

CRL OP (MD) No.12344 of 2018

Date :24/07/2018

SKM

RAM/JC/SAR 4/11.08.2018/2P/5C