



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

Tuesday, the Ninth day of July Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) No.8855 of 2019

1 RAJESWARAN
2 PRABHU @ ARULPRAKASH
3 VELSANKAR

... PETITIONERS / PETITIONERS/
ACCUSED NOS.9, 11 AND 12

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
THISAIYANVILAI POLICE STATION,
TIRUNELVELI DISTRICT.
(IN CRIME NO.319 OF 2018)

... RESPONDENT / RESPONDENT/
COMPLAINANT

For Petitioner : M/S.V.MALAIYENDRAN Advocate

For Respondent : MR.V.NEELAKANDAN, Additional Public Prosecutor

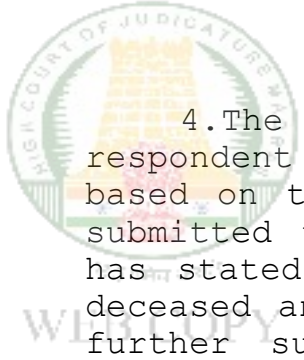
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners/ Accused nos.9,11 and 12, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147,448,294(b),323,364 and 506(ii) of IPC and section 3 of TNPPDL Act @ Sections 147,294(b),449,323,364,506(ii), 302,201 of IPC and Section 3 of TNPPDL Act seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners has submitted that the names of the petitioner have not been mentioned in the First Information Report. He further submitted that the petitioners have not committed any offence as alleged by the prosecution and only based on the confession statement given by the A1, these petitioners have been implicated. He would also submit that A10 in this case was granted anticipatory bail by this Court in Crl.O.P(MD) No. 19808 of 2018. Hence he prayed to grant anticipatory bail to the petitioners.



4. The learned Additional Public Prosecutor appearing for the respondent would submit that First Information Report was registered based on the complaint given by one Ganapathi Pandian. He further submitted that in the said complaint, the defacto complainant has stated that more than six persons came to the house of the deceased and attacked the deceased and abducted him in a car. He further submitted that after registering the First Information Report, A1 was arrested and when he was interrogated, he voluntarily gave a confession statement stating that the petitioners herein attacked the deceased. He further submitted that this Court has granted anticipatory bail to the 10th accused, taking into consideration that he is only a driver of A1, but all these petitioners have attacked the deceased and hence these petitioners cannot claim parity with A10. He further submitted that for recovery of weapons custodial interrogation of the petitioner is absolutely necessary. Hence he strongly opposed to grant anticipatory bail to the petitioners.

5. Though the names of the petitioners have not been specifically stated in the First Information Report, it is stated that A1 and A2 came to the house of the deceased and attacked the deceased along with more than six persons and abducted him in a car. Further A1 in his confession statement has stated that the petitioners herein attacked the deceased. This Court has granted anticipatory bail to A10, taking into consideration that he was only a driver and these petitioners cannot claim parity with A10.

6. Taking into consideration of the aforesaid facts and also the submissions made by the learned Additional Public Prosecutor that the weapons yet to be recovered and that the custodial interrogation of the petitioners is absolutely necessary, this Court is not inclined to grant anticipatory bail to the petitioners.

7. Hence the anticipatory bail application is dismissed.

sd/-
09/07/2019

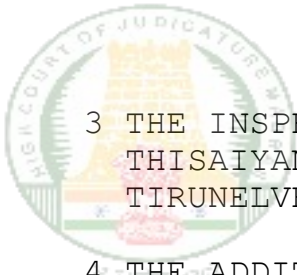
/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE
NANGUNERI

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNEELVELI DISTRICT.



3 THE INSPECTOR OF POLICE,
THISAIYANVILAI POLICE STATION,
TIRUNELVELI DISTRICT.

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

ORDER

IN

CRL OP (MD) No.8855 of 2019

Date :09/07/2019

JM/VR/SAR 1/17.07.2019/3P/5C