



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/08/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.10740 of 2019

Surendiran, ... Petitioner/Accused Rank not known
Vs

State through
The Inspector of Police,
Kenikkarai Police Station,
Ramanathapuram District.
Crime No.289/ 2018.

... Respondent/Complainant

For Petitioner : M/s.S.Ramesh Kumar,
Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No. 289 of 2018 on the file
of the Respondent Police.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 120(b), 147, 148, 149 and 302 IPC and Section 5 of the Explosive Substance Act, 1908, in Crime No.289 of 2018, seeks anticipatory bail.

2.The learned counsel for the petitioner has submitted that originally FIR was registered against 25 persons and in the said list, the petitioner's name does not find place. He further submitted that only based on the confession said to have been given by the accused No.13, the petitioner herein has been arrayed as accused No.16. He further submitted that the petitioner is in no way connected with the aforesaid crime and he has been falsely implicated in the above case. He further submitted that except accused Nos.1, 12, 14 to 16, other accused were arrested and



subsequently, they were released on bail. He further submitted that the petitioner is not having any bad antecedents and therefore, he prayed to grant anticipatory bail to the petitioner.

3. Per contra, the learned Additional Public Prosecutor has submitted that in the year 2018, one Vijay, who is the brother of A3 was murdered and as a revenge for the same, the accused Nos.1 to 11 arranged accused Nos.12 to 16 to murder one Karthick and Vicky @ Vignesh and accordingly, the accused Nos.12 to 16 are being the hirelings have murdered the said Karthick and Vicky @ Vignesh by throwing bombs and also by using deadly weapons. He further submitted that during the investigation, A-13 was arrested and he gave confession voluntarily, in which he has stated that the petitioner herein was the person who has arranged other hooligans for committing murder of aforesaid persons(Karthick and Vicky @ Vignesh). He further submitted that in the said confession, it is also stated that the petitioner herein also actively participated in the above crime and he attacked the deceased persons with deadly weapons. He further submitted that the custodial interrogation of the petitioner is absolutely necessary and therefore, he strongly opposed this petition.

4. Though in the FIR, the name of the petitioner herein is not mentioned, it is clearly revealed from the confession statement that more than 20 persons came in three cars and five two wheelers and particularly, attacked the said Karthick and Vicky @ Vignesh and severed their heads. It is not the case of the petitioner that the petitioner is already known to the defacto complainant and in such case, we cannot expect that the defacto complainant would have mentioned the name of all the persons in the complaint. In the confession statement, which was recorded from A13, it is clearly stated that the petitioner, who was the person arranged other hooligans and also it is stated that he attacked the deceased persons and severed their heads.

5. Taking into consideration of the aforesaid facts and also the fact that it is a double murder case and also the submission made by the learned Additional Public Prosecutor that the custodial interrogation of the petitioner is absolutely necessary, this Court is not inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this Criminal Original Petition is dismissed.

sd/-
05/08/2019

/ TRUE COPY /

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



CRL OP(MD) . No.10740 of 2019

- TO
- 1 THE INSPECTOR OF POLICE
KENIKKARAI POLICE STATION,
RAMANATHAPURAM DISTRICT
 - 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.10740 of 2019
Date :05/08/2019

KM/PN/SAR-II (21.08.2019) 3P 3C