



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/03/2021

PRESENT

The Hon'ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.2674 of 2021

K.Krishnan

... Petitioner/Accused No.17

Vs

The State Rep. by
The Inspector of Police,
Thirumangalam Town Police Station,
Madurai District
Crime No.1227/2020.

... Respondent/Complainant

For Petitioner : Mr.Sankar.K., Advocate.

For Respondent : Mr.R.Srinivasan,
Government Advocate (Crl.Side)

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

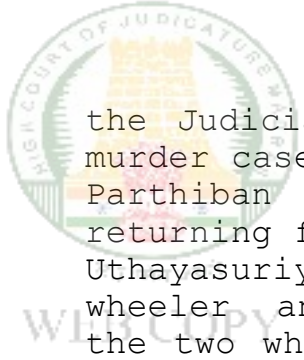
PRAYER :-

For Anticipatory Bail in Crime no. 1227 of 2020 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A17, apprehending arrest at the hands of the respondent Police for the offences punishable under Sections 147, 148, 342, 302, 109, 120(B) and 149 of IPC, in Crime No.1227 of 2020, seeks anticipatory bail.

2.The case of the prosecution is that on 19.11.2020 the defacto complainant/father of deceased Prakash lodged a complaint stating that his son was previously employed in Coimbatore. Five months prior to the occurrence he was arrested in a case for murder of Manikandan S/o.Gurusamy and the case was registered by the Checkanoorani Police. After that case the relatives of the deceased Manikandan to wreck vengeance, they decided to do away prakash life his son. This was known to everybody. During the month of September 2019 his son came out on bail in that case and continued his employment in Coimbatore. For Diwali he had come to native and stayed in his elder brother's house and on 19.11.2020 he attended

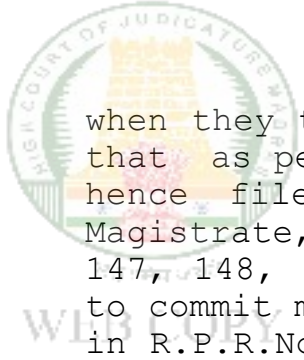


the Judicial Magistrate Court, Usilampatti in connection with the murder case. At about 03.30 pm., the defacto complainant's elder son Parthiban informed the defacto complainant that when Prakash was returning from Court the relatives of Manikandan namely Ramesh Babu, Uthayasuriyan, sukumar and other followed Prakash in their two wheeler and about 2.00 pm., the said persons pushed him down from the two wheeler. After he fell down they indiscriminately attacked him, stabbed him and murdered him and thereafter body of his son was rolled down into the canal. The assailants while escaping from the scene of occurrence had left a two wheeler bearing Reg. No. TN 58 AT 0400. Thereafter the body of the deceased/Prakash was taken to Thirumangalam Government Hospital and later to Government Rajaji Hospital, Madurai. On receipt of information the defacto complainant along with his wife had gone to the hospital, thereafter came back and lodged complaint. In the complaint named Aadhi Narayanan and Sabarinathan as accused.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that only based on the confession given by the co-accused, the petitioner has been falsely implicated in this case. He further submitted that co-accused have already been granted anticipatory bail by this Court. Hence, he prayed for grant of anticipatory bail by this Court.

4.The learned Government Advocate (Crl. Side) appearing for the respondent Police submitted that the confession statement of the co-accused disclose the fact that the accused belong to Agamudaiyar Community and the deceased and his group belongs to Piranmalai Kallar Community. Previously both groups maintained good relationship with each other and one gundaru @ Sakthivel of Kallar community is in close relation with one Vijayan who is a very influential political person and the above Gundaru recommended one SarathKumar as car driver to Vijayan. In this situation in the month of September 2018 the said Sarathkumar eloped with Manjumasri and married her for this elopement and marriage, one Manikandan relative of Sarathkumar helped him, hence Gundaru and him team committed the murder of Manikandan on 07.06.2020. Hence Manikandan relatives namely Sabarinathan, Sarathkumar, Sargunam, Ravi(one of the petitioner herein), Karthick, Muthuraja, Sukumar, Uthayasuriyan, Manimaran, Jayanthan and Rajasekar conspired together and committed the murder. Further they got assistance from one Aathinarayanan and Krishnan who maintained and kept live the murder issue of Manikandan for their political gain and to be in lime light. Further they also got assistance from their associates namely Boomi @ Poovalingam, Muthukumar, Alex Kumar.

5.In this situation on 18.11.2020 A1 took the room at Harris lodge near Thirumangalam and on the same day all the accused persons including Ravi @ Ravikumar planned to commit the murder and on 19.11.2020 at about 2.00 p.m., they executed their plan and later



when they tried to escape they were caught. He would further submit that as per confession it is seen that there are totally 17 accused hence filed the alteration report before the learned Judicial Magistrate, Thirumangalam and altered the offences under Sections 147, 148, 342, 302, 309 rw/.120(b), 149 of IPC and the weapons used to commit murder were seized and produced before the concerned Court in R.P.R.No.148 of 2020 and the samples were also sent for chemical analysis. Further they have taken steps to arrest the remaining accused who are still absconding.

6.It is seen that admittedly the petitioner is not present in the scene of occurrence. The murder of said Prakash in this case is a sequel to the murder of Manikandan. In the First Information Report only names of six persons have been mentioned of which A1 to A4 are assailants and A5 and A6 are the conspirators and the role played by them have been clearly mentioned. Further both the groups hail from same place and they are known to each other. There was an enmity between them, since Manikandan helped one Sarath Kumar for love marriage with the daughter of J.D.Vijayan, political party functionary. The deceased Prakash was murdered when he was attending Court in Manikandan case. The role played by each of the accused in the commission of both the offences are well known to each other.

7.In this case the defacto complainant, Thiyagarajan and his Son Parthiban are not eyewitnesses and the other Parthiban who accompanied the Manikandan is the eye witness to the said occurrence and he has not stated anything about the role played by the petitioner, hence custodial interrogation of the petitioners is not required.

8.Taking into consideration all the above the facts and circumstances of the case and also taking into consideration the fact that the co-accused have already been granted anticipatory bail by this Court, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

9. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thirumangalam, Madurai District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their

(b) the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

15/03/2021

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE, THIRUMANGALAM.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
THIRUMANGALAM TOWN POLICE STATION,
MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+ 1 CC TO Mr.SANKAR.K, ADVOCATE IN SR No. 2271

ORDER IN
CRL OP(MD) No.2674 of 2021
Date :15/03/2021

VSG

<https://hcservices.ecourts.gov.in/hcservices/>

TE/JC/SAR-III : 19/03/2021 : 4P/6C