



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/06/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.7526 of 2021

Poosari

... Petitioner/Accused No.10

Vs

State rep by
The Inspector of Police,
Seevalaperi Police Station,
Tirunelveli District.
Crime No.94/2021.

... Respondent/Complainant

For Petitioner : Mr.Ramsundarvijayaraj.S,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

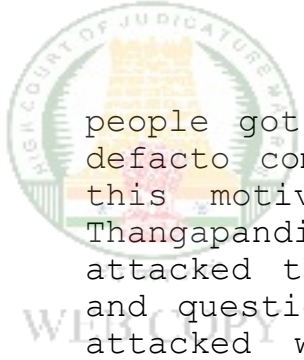
PRAYER :-

For Bail in Crime No.94/2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners were arrested and remanded to judicial custody by the respondent police on 26.04.2021 for the offences punishable under Sections 147, 148, 294(b), 109, 302, 307, 506(ii), and 120-B I.P.C., in Crime No.94 of 2021, seek bail.

2.It is seen from the submissions that there is a dispute between two communities with regard to offering pooja in Sri Seevalapperi Sudalaimadasamy temple. There was certain arrangement between these communities as to the sharing of income realised from running shops and in performing other activities. It is seen from the F.I.R. that whatever the income generated from running shops inside the temple premises, would go to one particular community and what ever the income generated from performing other activities, like laying Paran and running shop outside the temple, would go to other community. Due to Corona pandemic situation, the other community, is not able to perform the work to do viz. laying paran, running shop, but the defacto complainant and his community were able to run the shops and earn money. Therefore, the other community



people got annoyed and wanted to do away with the brother of the defacto complainant, who is a Poosari in the temple. In view of this motive, on 18.04.2021, at about 6.00 p.m., the accused Thangapandi, Petchikutty, Mahesh and Murugan indiscriminately attacked the deceased with Aruval, one Natarajaperumal intervened and questioned why they were attacking Chidambaram. He was also attacked with Aruval. All the four accused indiscriminately attacked Chidambaram with Aruval. As a result, the said Chidambaram died and Natarajaperumal suffered serious injuries.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent and his name is not mentioned in the F.I.R, there is no specific overt act alleged against him either in the F.I.R or other materials, especially in the confession statement of co-accused / A3, on the basis of whose confession statement, this petitioner is implicated and therefore, he seeks bail.

4.However, the learned Government Advocate (criminal side) opposed this petition on the ground that there are 17 accused in this case, one of the accused is still absconding. The deceased was indiscriminately attacked by the accused in this case and he suffered 29 cut injuries. He further submitted that this petitioner has three previous cases pending against him, only seven witnesses have been examined so far and the investigation is not completed.

5.Taking note of the facts of the case and the fact that the deceased was indiscriminately attacked by the accused with Aruval in this case, making 29 cut injuries and also one Natarajaperumal was also seriously injured on his neck; the fact that the investigation in this case is not completed and also the fact that the petitioner has three previous cases pending against him, this Court is not inclined to grant bail at this stage.

6.Accordingly, this Criminal Original Petition is dismissed.

Sd/-
11/06/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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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 INSPECTOR OF POLICE,
SEEVALAPERI 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 Mr.S.Ramsundarvijayaraj, Advocate (SR-3936[I] dated
11/06/2021)

ORDER

IN

CRL OP (MD) No.7526 of 2021

Date : 11/06/2021

VB JC SAR IV(16/06/2021) 3P / 5c