



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

Date : 11/06/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.7562 of 2021

1. Viswananthan
2. Sivabalan

... Petitioners/Accused
Rank Not Known

Vs

State rep.by
The Inspector of Police,
Sethubavachatram Police Station,
Thanjavur District.
Crime No.120 of 2021.

... Respondent/Complainant

For Petitioners : Mr.K.Muthuvai Ilayaraja,
Advocate.

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

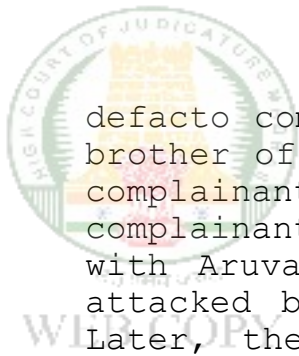
PETITION FOR BAIL Under Sec.439 of Cr.P.C

PRAYER :- For Bail in Crime No.120 of 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 01.05.2021 for the offences punishable under Sections 147, 148, 449, 324,307,302 and 506(ii) I.P.C., seek bail.

2.It is seen from the submissions that on 21.04.2021, at about 3.00 p.m, the defacto complainant and her husband returned after shopping, to their home, they saw her brother-in-law-Shagayaraj was speaking with one Lakshmanan. After some time, they heard noise and they came out of their house and they saw that Lakshmanan, who was under the influence of alhocol, was beaten alleging that why he was coming to meet Jeyapriya. The said Lakshmanan vowed to come back and see to them. At about 9.00 p.m., they heard some noise and came out and saw that Lakshmanan came there with several persons with deadly weapons like Aruval and iron rod. They were searching for Shagayaraj and finding that Shagayaraja was not in his house, they entered into the house of the defacto complainant and seeing the



defacto complainant and her husband, they said that he is the elder brother of Shagaraja and kill him. Lakshmanan attacked the defacto complainant's husband with Aruval several times. When the defacto complainant tried to intervene, she was also attacked by Lakshmanan with Aruval and the relative of the defacto complainant was also attacked by Lakshmanan and then, all the accused left the scene. Later, the defacto complainant's husband - Anburose succumbed to injuries.

3.The learned counsel for the petitioners submitted that the petitioners' names are not mentioned in the F.I.R and they have been falsely implicated in this case. The only allegation in the F.I.R is that only the accused-Lakshmanan had attacked the deceased and caused injuries to others and there is no overt act against these petitioners and they are in judicial custody for more than 42 days and therefore, he seeks bail.

4.On the other hand, the learned Government Advocate(Crl.Side) appearing for the respondent police opposed this petition on the ground that there are ten accused in this case, one of the accused is absconding. An innocent person, who has no connection with the dispute between Shagayaraj and Lakshmanan, was brutally done to death. The investigation in this case is in preliminary stage and therefore, he prays for dismissal of this petition.

5.The facts and circumstances of the case shows that an innocent person, who was no way responsible for the dispute between Shagayaraj and accused-Lakshmanan was killed. The investigation in this case is preliminary stage. When the investigation is in preliminary stage, it cannot be presumed that the petitioners were not involved in this offence and for the mere reason that their names are not mentioned in the F.I.R. Considering all these aspects, 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.

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



TO

1 THE INSPECTOR OF POLICE,
SETHUBAVACHATRAM POLICE STATION,
THANJAVUR DISTRICT.

2 THE OFFICER INCHARGE,
DISTRICT JAIL, PUDHUKOTTAI.

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

ORDER

IN

CRL OP(MD) No.7562 of 2021

Date :11/06/2021

LS

MS/VR/SAR-1/16.06.2021/3P.4C