



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/06/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP (MD) Nos.7764, 7505 & 7510 of 2021

Elangamani : Petitioner/Accused Rank not known
in Crl.OP.(MD)No.7764 of 2021

S.Murugesan : Petitioner/Accused No.16
in Crl.OP.(MD)No.7505 of 2021

Palani : Petitioner/2nd Accused
in Crl.OP.(MD)No.7764 of 2021

Vs

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

... Respondent/Complainant
(in all the Petitions)

For Petitioner : Mr.M.S.Jeyakarthik,
(in Crl.OP.(MD)No.7764 of 2021)

For Petitioner :Mr.M.Maran,
(in Crl.OP.(MD)No.7505 of 2021)

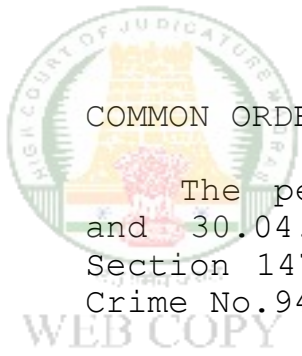
For Petitioner :Mr.S.Ramasundarvijayaraj,
(in Crl.OP.(MD)No.7510 of 2021)

For Respondent : Mr.E.Antony Sahaya Prabahar,
(in all Crl.OPs.) Additional Public Prosecutor

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

COMMON PRAYER :-

For Bail in Crime No.94 of 2021 on the file of the
Respondent Police.



COMMON ORDER : The Court made the following common order :-

The petitioners, who were arrested on 22.04.2021, 05.05.2021 and 30.04.2021 respectively for the offences punishable under Section 147, 148, 294(b), 109, 302, 307, 506(ii) and 120(B) IPC in Crime No.94 of 2021 on the file of the respondent police, seek bail.

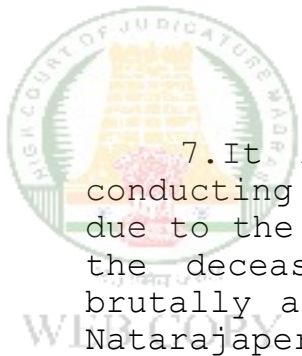
2.The case of the prosecution is that there is a dispute between two communities with regard to offering pooja in Sri Seevalapperi Sudalaimadasamy temple. There was certain arrangement between these communities as to the sharing of income realized from running shops and in performing other activities. It is seen from FIR 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. Hence, the complaint.

3.The learned counsel for the petitioner in CrI.O.P.(MD)No.7764 of 2021 submitted that the petitioner is no way involved in the offence and he has been falsely implicated in this case on the basis of confession statement of the co-accused.

4.The learned counsel for the petitioner in CrI.O.P.(MD)No.7505 of 2021 submitted that the petitioner has no direct involvement as alleged by the prosecution and he was implicated on the basis of the confession statement of the co-accused.

5.The learned counsel for the petitioner in CrI.O.P.(MD)No.7510 of 2021 submitted that there is no specific allegation against the petitioner and the only allegation against him is that he was one of the conspirator to eliminate deceased.

6.The learned Additional Public Prosecutor appearing for the respondent police strongly opposed these petitions on the ground that investigation is not completed and the deceased was brutally attacked and he suffered as many as 29 injuries in all over his body. He further submitted that so far 16 witnesses had been



7. It is seen that there was a dispute with regard to the conducting business in the Temple between two community people and due to the same, all the accused said to have conspired to eliminate the deceased and at the time of occurrence, the deceased was brutally attacked by the accused and he died on the spot and one Natarajaperumal was also attacked by the accused. Considering all these facts and the fact that investigation is not completed, this Court is not inclined to grant bail to the petitioners at this stage. Accordingly, these criminal original petitions are dismissed.

sd/-
18/06/2021

/ 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 concerned.

TO

1. THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
2. THE INSPECTOR OF POLICE,
SEEVALAPERI POLICE STATION,
TIRUNELVELI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to Mr. S. RAMASUNDARVIJAYARAJ, Advocate SR.No.4058

ORDER
IN
CRL OP (MD) Nos. 7764, 7505 &
7510 of 2021
Date : 18/06/2021

gns
PK/MNR/SAR-IV/23.06.2021 : 3P/5C