



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 28/10/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.15565 of 2021

Vinister @ Anton Xavier Vinister ... Petitioner/Accused No.7

Vs

The State rep.by,
The Inspector of Police,
Koodankulam Police Station, Tirunelveli District.
Crime No.337/2021. ... Respondent/Complainant

For Petitioner : Mr.R.Anand, Advocate.
For Respondent : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor.

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

PRAYER :-To enlarge the petitioner on bail in Crime No.337/2021 on the file of the Inspector of Police, Koodankulam Police Station, Tirunelveli District.

ORDER : The Court made the following order :-

The petitioner/A7, who was arrested on 06.09.2021 for the offence under Sections 147, 148, 109 and 302 IPC, in Crime No.337 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to previous enmity, all the accused persons, including the petitioner/A7, unlawfully assembled together with weapons and attacked the deceased with aruval indiscriminately and caused death. Hence, the case.

3. The learned counsel appearing for the petitioner submits that on the date of occurrence, after the assault, the petitioner informed the occurrence to the Police through his mobile phone, based on which, the Police party arrived to the spot. Further, when the deceased was struggling for his life, the petitioner immediately admitted the deceased in the hospital to save his life. If the petitioner had the intention of killing the deceased, he would not have taken efforts to save the life of the deceased. In fact, the petitioner is from the opposite political party and he is also an office bearer in the Information Technology Wing of the said party. In the forthcoming local body election, he was proposed to contest in the election for the post of Member to his Union. In the presence of the learned counsel for the respondent, one Raja, who is attached with the Ruling Party, has



the plan of contesting for the very same post. Since the petitioner got lucrative support in his village, in order to keep him away from all the process of election, his name was added as one of the accused. He further submits that when the petitioner was in incarceration, the respondent Police placed the case records before the District Collector, Tirunelveli, by projecting that the petitioner is a habitual offender and detained him under Act 14 of 1982. Hence, he prayed for grant of bail.

4. The learned Additional Public Prosecutor opposed for grant of bail stating that the petitioner has been detained under Act 14 of 1982. Hence, this petition is not maintainable. He further submits that though certain grounds have been raised by the petitioner, he is having remedy before the Government by making representation and he can raise all the points before the Advisory Committee and challenge the detention order by way of filing a Habeas Corpus Petition before a Division Bench.

5. As rightly pointed by the learned Additional Public Prosecutor, since the petitioner is detained under the Act 14 of 1982 and he is having remedy before the Advisory Board as well as before the Division Bench, where, he can raise all these points, this petition is not maintainable before this Court.

6. In view of the above, the Criminal Original Petition is dismissed.

sd/-

28/10/2021

/ 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, TIRUNELVELI DISTRICT.

2 THE INSPECTOR OF POLICE
KODANKULAM POLICE STATION, TIRUNELVELI DISTRICT.

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

+1 CC to Mr.P.T.RAMESH RAJA, Advocate (SR-7630[I] dated 29/10/2021)

ORDER

IN

CRL OP(MD) No.15565 of 2021

Date :28/10/2021

PNM/OGY

<https://hdcvscsrecords.gov.in/Case/11.2021/3P/5C>