



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

Monday, the Thirteenth day of December Two Thousand and Twenty One

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) No.17487 & 17488 of 2021

MUTHUMANIKANDAN ... PETITIONER / ACCUSED NO.4
IN CRL OP(MD).17487 OF 2021

SURENDHAR ... PETITIONER / ACCUSED NO.1
IN CRL OP(MD).17488 OF 2021

Vs

STATE REP BY
THE INSPECTOR OF POLICE
PATTUKOTTAI TOWN POLICE STATION,
THANJAVUR DISTRICT.
(CRIME NO. 1078 / 2021) ... RESPONDENT / COMPLAINANT
(IN BOTH PETITIONS)

For Petitioner : M/S.KARUNAKARAN K.M., Advocate(IN BOTH PETITIONS)

For Respondent : MR.R.MEENAKSHI SUNDARAM,
Additional Public Prosecutor(IN BOTH PETITIONS)

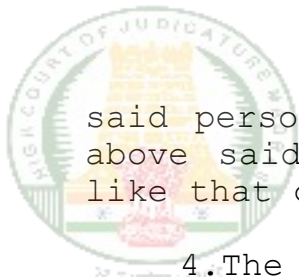
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners herein are A4 and A1 and A1 was arrested on 13/10/2021 and A4 was arrested on 14/10/2021 and they were remanded to judicial custody, for the alleged offences punishable under Sections 25(1A), 27(1) of Arms Act and 147, 148, 294(b), 323, 324, 427, 506(ii) PC @ Sections 25(1A), 27(1) of Arms Act and Section 3 of IES Act and sections 147, 148, 294(b), 323, 324, 427, 506(ii) IPC, seek bail.

2.Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the State.

3.The learned counsel appearing for the petitioners would submit that the co-accused namely A2 was granted bail by this court in Crl.OP(MD)No.16657 of 2021, dated 28/10/2021. But the learned Additional Public Prosecutor would submit that against the above



said person, no other criminal case stated to be pending. So the above said accused namely A2 is not standing on the same footing like that of these petitioners, who are known for their antecedents.

4.The learned Additional Public Prosecutor would further submit that the petitioner namely Muthumanikandan /A4 is having 9 previous cases, among which one offence is under section 302 IPC and the other offences of various provisions of law. Similarly, the other accused namely Surendhar/A1 is also involved in 9 previous cases, among which, 302 IPC is also involved.

5.According to the learned Additional Public Prosecutor, for such nature of the offence, the accused persons should not be released on bail and if they are released on bail, there is every likelihood of committing the very same nature of the offence.

6.The manner of the occurrence shows that over a simple dispute, these petitioners alleged to have assaulted the de-facto complainant and other injured persons and also hurled the petrol bombs in the resident of the de-facto complainant. But however, it is seen that the investigation is not completed so far and no offence has been committed ever-since the date of arrest of the petitioners and remanded to the judicial custody. But section 3 of the Indian Explosive Substance Act, imposes punishment of Life Imprisonment or imprisonment, which shall be less than 10 years and also fine. So the statutory period for such nature of the offence is 90 days.

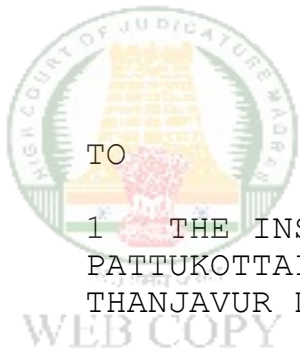
7.But however, considering the antecedents of the petitioners, this court is not inclined to grant bail to the petitioners, and if bail granted to the petitioners, as contended by the prosecution, they may involve in similar activities. So, this is a not fittest case to exercise the discretionary in favour of the petitioners on the ground that they are in custody for more than 60 days. No progress has been made in the investigation process and on that ground also, both the petitions are liable to be dismissed.

8.In fine, these petitions are **dismissed**.

sd/-
13/12/2021

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



TO

1 THE INSPECTOR OF POLICE
PATTUKOTTAI TOWN POLICE STATION,
THANJAVUR DISTRICT.

2 THE OFFICER INCHARGE,
DISTRICT JAIL, PUDUKKOTTAI.

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

ORDER

IN

CRL OP (MD) No.17487 of 2021

AND

CRL OP (MD) No.17488 of 2021

Date :13/12/2021

TR/JC/SAR-III(16.12.2021) 3P 4C