



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

Dated: 12/01/2022

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

WEB COPY

Crl.OP(MD)No.448 of 2022

Athinarayanan

... Petitioner/Accused No.5

Vs.

The State rep. By
The Inspector of Police,
Thirumangalam Town Police Station,
Madurai District.
(Crime No.1227 of 2020)

... Respondent/Complainant

For Petitioner : Mr.K.SANKAR, Advocate
For Respondent : Mr.SS.MADHAVAN, Government Advocate(Criminal side)

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

PRAYER :- For Bail in Crime No.1227 of 2020 on the file of the Respondent Police.

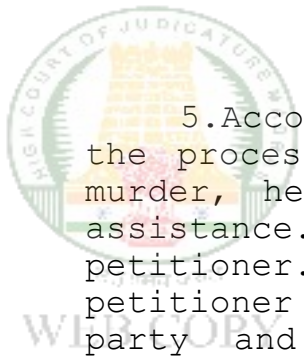
ORDER : The Court made the following order:-

The petitioner, who is arrayed as A5 was arrested on 17/12/2021 and remanded to judicial custody for the alleged offences under sections 109, 120(B), 147, 148, 149, 342 and 302 IPC, in Crime No.1227 of 2020, seek bail.

2.The case of the prosecution is that one Manikandan was murdered by the deceased and others and as retaliation, the petitioner and others engaged the other accused persons to do away the deceased and attacked brutally by deadly weapons, he died on the spot.

3.Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

4.It is a murder of retaliation. One Manikandan was alleged to have been murdered by the deceased and others. Retaliation to the above said murder of Manikandan, the present occurrence said to have been taken place. In the process of the retaliation, this petitioner alleged to have played prominent role.



5. According to the prosecution, only this petitioner arranged the process of committing the murder and after commission of the murder, he also sheltered the murderers, also extended financial assistance. So this is the grievous allegation against this petitioner. But however the learned counsel appearing for the petitioner would submit that the petitioner is running a political party and he made protest and demonstration etc., demanding stringent action against the murderers of the above said Manikandan, except that he is not involving in any of conspiracy process of retaliation.

6. The conduct of the petitioner is also relevant to be taken. Even at the inception stage of the FIR, he filed anticipatory bail petition before this court and that came to be dismissed and suppressing the above said dismissal of the anticipatory bail application he immediately filed a petition to quash the FIR that was registered in this case and stay was granted with regard to the investigation. After prolonged the process for sufficient time stay was vacated by this court on the petition filed by the prosecution. Thereafter, the investigation was undertaken and this petitioner was arrested and remanded to judicial custody and he is in judicial custody for the past 25 days. The conduct on the part of the petitioner, when serious allegation of conspiracy and arranging the persons for the purpose of committing the murder, the involvement of the petitioner got to be thoroughly investigated. The past conduct of the petitioner shows that if he is released on bail, there is every likelihood of tampering the investigation process and influencing the witnesses also.

7. The learned counsel appearing for the petitioner would submit that the co-accused has been either released on anticipatory bail or regular bail etc. But those orders cannot have any effect upon the involvement of this petitioner in this case. The manner in which the retaliation was carried out shows that it is a case of brutal murder. The deceased died on the spot and the body was thrown into a kanmai.

8. The learned Government Advocate (Criminal side) would submit that this petitioner is involved in so many cases. When the vacate stay petition was heard by me, it was alleged by this petitioner only out of the political issue his name has been included in the FIR. That issue was rejected by me.

9. Taking the serious note of the allegation, the learned Principal District Judge, Madurai has dismissed the application filed by this petitioner on 04/01/2022 stating that this petitioner was arrested only on 05/01/2022 and on going through entire CD file this court of the opinion that releasing of this petitioner in the initial stage may not be fair and in the interest of fair investigation process.



10. In view of above facts, this criminal original petition is **dismissed**

sd/-
12/01/2022

/ TRUE COPY /

WEB COPY

/ /2022

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

TO

- 1 THE INSPECTOR OF POLICE,
THIRUMANGALAM TOWN POLICE STATION,
MADURAI DISTRICT.
- 2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.K.SANKAR, Advocate SR.No.312

ORDER

IN

CRL OP (MD) No.448 of 2022
Date :12/01/2022

SA/JM/SAR.4/20.01.2022/3P/5C