



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 25/07/2022
PRESENT

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The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . Nos.12194, 12195, 12254, 12298, 12429 and 12445 of 2022

1. Mathan
2. Pandiaraj
3. Maheswaran

... Petitioners / Accused Nos.11, 12 & 13
in Crl.O.P.(MD) No.12194 of 2022

1. Jothilingam
2. Ponraj

... Petitioners / Accused Nos.14 & 16
in Crl.O.P.(MD) No.12195 of 2022

R.Anthony @ Anthonyraj

... Petitioner / 9th Accused
in Crl.O.P.(MD) No.12254 of 2022

Lakshmi Narayanan @ Linekaruppu

... Petitioner / Accused No.7
in Crl.O.P.(MD) No.12298 of 2022

Soundirapandiyan

... Petitioner / Accused No.15
in Crl.O.P.(MD) No.12429 of 2022

Praveenkumar @ Praveen

... Petitioner / Accused No.8
in Crl.O.P.(MD) No.12445 of 2022

Vs

The State rep.by,
The Inspector of Police,
M.Pudhupatti Police Station,
Virudhunagar District.
Crime No.46 of 2022.

... Respondent / Complainant
in all Crl.O.Ps.,

In Crl.O.P.(MD) Nos.12194 and 12195 of 2022:-

For Petitioners : Mr.M.Jothi Basu,
Advocate.

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

For Intervenor : Mr.B.Jeyakumar, Advocate



In CrI.O.P.(MD) No.12254 of 2022:-

For Petitioners : Mr.S.Selvakumar
Advocate.
For Respondent : Mr.R.M.Anbunithi,
Government Advocate (CrI.Side)
For Intervenor : Mr.B.Jeyakumar, Advocate.

In CrI.O.P.(MD) Nos.12298 and 12445 of 2022:-

For Petitioner : Mr.R.Gandhi
Advocate.
For Respondent : Mr.R.M.Anbunithi,
Government Advocate (CrI.Side)
For Intervenor : Mr.B.Jeyakumar, Advocate.

In CrI.O.P.(MD) No.12429 of 2022:-

For Petitioner : Mr.A.R.Kannappan
Advocate.
For Respondent : Mr.R.M.Anbunithi,
Government Advocate (CrI.Side)
For Intervenor : Mr.B.Jeyakumar, Advocate.

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

COMMON PRAYER :-For Bail in Crime No.46 of 2022 on the file of the Respondent Police.

COMMON ORDER : The Court made the following order :-

The petitioners are facing charges under Sections 341, 324, 302, 147, 148, 342, 506(ii) 120 (B) and 109 IPC in Crime No.46 of 2022 on the file of the respondent police.

2.The facts in brief are as follows:-

3.In 2021, there was dispute between Navaneethakrishnan and the deceased Aravindhan. Both were loadman. Because of the aforesaid issue, Navaneethakrishnan was murdered by the deceased Aravindhan and others. So, the friends of the aforesaid Navaneethakrishnan wanted to revenge the murder before the first year anniversary. So, all the accused persons conspired together and wanted to kill the aforesaid Aravindhan on 29.03.2022. However, on 30.03.2022, in pursuance of the aforesaid conspiracy, on the information furnished by the co-accused, the main accused followed the deceased and the defacto complainant. At about 05.00 pm., the murder was occurred. The 1st accused, namely Arunpandian caused assault with Aruval. The 2nd accused Mareeswaran also caused assault with Aruval. The deceased Aravindhan tried to escape, but the accused, namely Arunpandian, Mareeswaran, Parthiban, Muthukrishnan, Manikandaprabhu and Jeyakumar surrounded him and caused severe assault with Aruval.



All the accused persons escaped from the place of occurrence and the neighbours gathered.

4. Based upon the complaint given by the defacto complainant, who is the intervenor, the aforesaid case has been registered and after completing the formalities of investigation, the involvement of 16 persons came to be found. So, they were charge sheeted before the committal Court and now, committal process is undergoing in PRC.No.13 of 2022 and all the persons were arrested and remanded to judicial custody.

5. Seeking bail, these petitions have been filed through separate advocates and a common order is passed after hearing the learned respective counsels and intervenor.

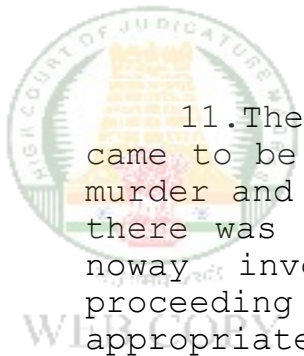
6. It is a case of brutal retaliation. During the hearing of these petitions, the Investigation Officer was present before this Court.

7. The learned Additional Public Prosecutor (Crl.side) for the respondent submits that there are two groups operating in that area headed by the main accused in this case as well as the deceased group. They were causing frequent trouble to the law and order. Who is super power became the issue between them, as a result of which only, the aforesaid Navaneethakrishnan was done to death. As a retaliation, the aforesaid Aravindhan was also done to death by the accused person in this case.

8. According to the learned Additional Government Pleader, if the petitioners are released on bail, there is every likelihood of tampering the evidence and absconding and even there is a possibility of retaliation. So, the offence of such nature is to be viewed seriously and these petitioners should not be released on bail.

9. The learned counsel for the petitioners jointly submit that absolutely there was no enmity between this petitioners and the aforesaid deceased and there was enmity between the 1st accused and the deceased and the petitioners are no way involved in the aforesaid occurrence. Only based upon the confession statement of the co-accused, the petitioners have been implicated and no specific overt act has been attributed against them.

10. The learned counsel for the intervenor would submit that the defacto complainant sustained injury in the aforesaid occurrence and if the petitioners are released on bail, his life will be in danger, because he is the only eye witness to the occurrence. He expressed his apprehension about his life.



11.The bail applications that were filed by the petitioners came to be dismissed by the trial Court on noting the nature of the murder and the manner, in which it came to be committed. Even though there was specific argument to the effect that the petitioners are noway involved in the aforesaid occurrence, since committal proceeding is undergoing, it is for the trial Court to frame appropriate charges against the accused persons on the basis of the materials that have been collected. Insofar as this petitioners are concerned, there is specific allegation to the effect that on 29.03.2022 at about 08.00 pm., they conspired to do away with the aforesaid Aravindhan. At the request of the 1st accused, the 16th accused, namely Ponraj, consented to help the co-accused.

12.Soundira Pandian shared the photographs of the deceased with the 1st accused. Ponraj, Soundira Pandian and Jothilingam watched the deceased near Velayutham Rastha. It was informed to the accused, Maareeswaran. In pursuance of the aforesaid information only, the accused 1 to 3 came to the spot. The aforesaid movement was informed to the accused, Pandiaraj and the accused, Maheswaran and Manikandaprabhu followed the deceased and the defacto complainant. Further movement was also informed by the accused, Pandiaraj.

13.In pursuance of the aforesaid information, the accused 1 to 6 were hiding near the bush and at about 07.00 pm., they executed the plot. After the execution of the aforesaid plot, the accused person escaped from that area and it was informed to the accused, Mathan. The aforesaid Mathan in turn informed Lakshminarayanan. The accused, Pazhaniselvam helped the accused by giving money and dress etc for escape. So, these are the allegations against these petitioners.

14.So, the contention on the part of the petitioners that except the allegation of criminal conspiracy, no other specific allegation has been attributed against them is not at all correct on record. As I mentioned earlier, it is a case of brutal retaliation.

15.A bad avenger not only avenges badly but also will be avenged badly. If the petitioners are released on bail, there is every likelihood of absconding, tampering the evidence, again repetition of retaliation and threat to the witness, who is the defacto complainant herein. The petitioners do not deserve any consideration and these petitions deserve to be dismissed.

16.Accordingly, these Criminal Original Petitions are dismissed.

sd/-
25/07/2022

/ TRUE COPY /

/08/2022

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



TO

1 THE DISTRICT PRISON,
VIRUDHUNAGAR DISTRICT.

2 THE INSPECTOR OF POLICE
M.PUDHUPATTI POLICE STATION, VIRUDHUNAGAR DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

4 THE OFFICER INCHARGE,
SUB JAIL, VIRUDHUNAGAR DISTRICT.

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

ORDER

IN

CRL OP(MD). Nos.12194, 12195, 12254,
12298, 12429 and 12445 of 2022

Date :25/07/2022

MK/VR/SAR.II/01.08.2022/5P/6C