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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 15/09/2022

PRESENT

The Hon'ble Mr.Justice **G.ILANGOVAN**

Cr1.OP(MD)Nos.14784 and 16205 of 2022

(1)Cr1.OP(MD)No.14784 of 2022:-

Maheswaran : Petitioner/A13

Vs.

State through
The Inspector of Police,
M.Pudhupatti Police Station,
Virudhunagar District.
(Crime No.46 of 2022)

: Respondent/Complainant

For Petitioner : Mr.M.Jothi Basu

For Respondent : Mr.RMS.Sethuraman
Additional Public Prosecutor

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

PRAYER:- C-6B.For Bail in Crime No.46 of 2022 on the file
of the Respondent Police.

**(2) Cr1.OP(MD)No.16205 of 2022:-**

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Anthony @ Anthony Raj

: Petitioner/A9

Vs.

State through
The Inspector of Police,
M.Pudhupatti Police Station,
Virudhunagar District.
(Crime No.46 of 2022)

: Respondent/Complainant

For Petitioner

: Mr.S.M.A.Jinnah

For Respondent

: Mr.RMS.Sethuraman
Additional Public Prosecutor

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

PRAYER:- C-6B.For Bail in Crime No.46 of 2022 on the file
of the Respondent Police.

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

The petitioner in Cr1.OP(MD)No.14784 of 2022, who is arrayed as A13 and the petitioner in Cr1.OP(MD)No.16205 of 2022, who is arrayed as A9 are facing the charges for the offences punishable under sections 341, 324, 302 IPC @ 147, 148, 341, 342, 324, 302, 506(ii) IPC @ 120(B), 147, 148, 341, 342, 324, 302, 506(ii) IPC r/w 109 IPC, in Crime No.46 of 2022, seek bail.

**2. The facts in brief:-**

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In 2021, there was dispute between Navaneethakrishnan and the deceased Aravindhnan. Both were loadman. Because of the aforesaid issue, Navaneethakrishnan was murdered by the deceased Aravindhnan 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 Aravindhnan, 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 occurred. The 1st accused, namely Arunpandian caused assault with Aruval. The 2nd accused Mareeeswaran also caused assault with Aruval. The deceased Aravindhnan tried to escape, but the accused, namely Arunpandian, Mareeswaran, Parthiban, Muthukrishnan, Manikandaprabhu and Harikumar surrounded him and caused severe assault with Aruval. All the accused persons escaped from the place of occurrence, when the neighbours gathered. Based upon the complaint



given by the defacto complainant, the 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.

3. Heard both sides.

4. **Cr1.OP(MD)No.14784 of 2022**:- After elaborate discussion, the earlier bail application was dismissed by this court, on 25/07/2022.

5. Again the present petition came to be filed on the ground that except the limited role, that has been alleged against this petitioner, no other strong suspicious ground is available against him. I find absolutely, no merit in that contention. After elaborate discussion only, the above said petition has been dismissed by perusing the CD file. So, I find no merit in this criminal petition and accordingly, Cr1.OP(MD)No. 14784 of 2022 is dismissed.



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6. In so far as **Cr1.OP(MD)No.16205 of 2022** is concerned, the earlier bail application that was filed by A9 along with the other accused came to be dismissed by this court, after elaborate discussion.

7. Now the present petition has been filed only on the ground that this petitioner is suffering from heart ailment and spinal cord ailment, etc. So, a report was called for from the prison authorities with a certificate from the concerned Medical Officer. A report has been received from the prison authorities along with the medical certificate from the Medical Officer stating that even though, there is no blockage in the blood vessels, he is suffering from spinal cord ailment and he was suggested to undergo surgery for the above said spinal cord ailment. To know the physical condition of the petitioner, he was directed to be produced through VC. He was also produced through VC from the Central Prison, Madurai. I find that the petitioner was physically fit and healthy. Even though, some sort of surgery is required for his spinal cord ailment, the information that has been furnished to the court that he is suffering from heart blockage is not at all true.



8.It appears that a wrong information has been furnished to the court. But even though the surgery for the spinal cord ailment is required, he can undergo surgery in the prison hospital itself.

9.Considering the gravity of the allegation against the petitioner, it is a case of retaliation, I find no change of circumstances from the earlier order. So this court is not inclined to enlarge the petitioner on bail and accordingly, CrI.OP(MD)No.16205 of 2022 is also **dismissed**.

15/09/2022

Index:Yes/No
Internet:Yes/No
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G . ILANGO VAN , J

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