



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Dated: 05/12/2022
PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

Crl.OP(MD)No.21357 of 2022

Soundarapandian

... Petitioner/Accused No.15

Vs.

State Rep. Through
The Inspector of Police,
M.Pudhupatti Police Station,
Virudhungan District.
(Crime No.46 of 2022)

... Respondent/Complainant

For Petitioner : Mr.R.Anand, Advocate

For Respondent : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

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

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

ORDER : The Court made the following order:-

The petitioner, who is arrayed as A15 was arrested on 06/06/2022 and remanded to judicial custody for the offences 120(B), 147, 148, 341, 342, 324, 302, 506(ii) IPC r/w 109 IPC, in Crime No.46 of 2022 on the file of the respondent police, seeks bail.

2.The facts in brief:-

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 de-facto complainant. At about 05.00 pm, the murder 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 Harikumar



surrounded him and caused severe assault with Aruval. The accused persons escaped from the place of occurrence, when the neighbours gathered.

3. Based upon the complaint given by the de-facto complainant, 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 over.

4. The learned counsel appearing for the petitioner would submit that the petitioner was not available in the picture during the alleged conversation that took place between the co-accused and no steps were also taken by the Investigating Officer to take the voice sample for the purpose of comparison. Even as per the allegation that has been made by the prosecution against this petitioner, the photographs of the deceased alleged to have been shown to the co-accused. But only A12 alleged to have shown the photograph of the deceased to the co-accused. So according to him, absolutely no material is available on record to implicate this petitioner. Even the chat alleged to have been taken place between the co-accused, did not find place. He would further submit that now the parents of the petitioner wanted to admit the petitioner in Law Degree and in the ultimate process, if he is acquitted, then such a loss suffered by the petitioner because of the incarceration may not be compensated. Even though this ground has been raised, but from the facts narrated above, it is seen that it was large scale conspiracy between all the accused persons to do away the deceased as retaliation.

5. The learned Additional Public Prosecutor would submit that the case has been posted before the trial court for framing charges on 12/12/2022.

6. Considering the above said development, liberty is granted to the petitioner to revive the petition before the trial itself after framing of charges. The trial court may decide the same on merits without being influenced any of the observation made by this court.

7. With the above said liberty, this criminal original petition stands **dismissed**.

sd/-

05/12/2022

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/12/2022

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



TO

- 1 THE INSPECTOR OF POLICE,
M.PUDHUPATTI POLICE STATION,
VIRUDHUNGAR DISTRICT.
- 2 THE OFFICER INCHARGE,
SUB JAIL, VIRUDHUNAGAR DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.ANAND R Advocate SR.No.14499

ORDER

IN

CRL OP(MD) No.21357 of 2022

Date :05/12/2022

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SA/VR/SAR.2/23.12.2022/3P/5C