



Crl.OP(MD)No.5358 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.04.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.OP(MD)No.5358 of 2024

Arumugapandian @ Bala Vivekanandan
@ Rocket Raja

: Petitioner/Unnamed Accused

Vs.

State Rep. by
The Inspector of Police,
Thalaiyuthu Police Station,
Tirunelveli District.
Cr.No.60 / 2024

: Respondent/Complainant

PRAYER: Petition filed under Section 438 Cr.P.C seeking anticipatory bail in connection with the case in Crime No.60 of 2024 on the file of the respondent police.

For Petitioner : Mr.V.Kathirvelu,Senior Counsel
for Mr.K.Prabhu, Advocate

For Respondent : Mr.T.Senthil Kumar
Additional Public Prosecutor

ORDER

Apprehending arrest at the hands of the respondent Police in connection with the case in Crime No.60 of 2024, the petitioner has approached this Court for



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anticipatory bail. The said case was registered for the offence u/s.505 (ii) IPC r/w 25(1A) of Arms Act.

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2. One Sonia, an erstwhile friend of the first accused / Jacob @ Black Jaquar, has uploaded a video in the social media with a gun and stated that the first accused along with his associates are planning to commit murder of other community people, who are against them and for that purpose, they have organized weapons including a country made Gun. Based on this video, the Inspector of Police, Thalaiyuthu Police Station, has secured the first accused / Jacob @ Black Jaquar on 24.01.2024 and registered the case for the offence u/s.505(2) IPC r/w 25(1A) of Arms Act.

3. Based on the confession statement of the first accused, the investigation agency conducted a search on the petitioner's house, after getting due permission. In the search operation, they have recovered a patta Knife, a country made Revolver and a Telescope, which can be attached to a Gun. Since the weapons have been recovered from the house of this petitioner, he is arrayed as the second accused.

4. Learned Senior Counsel for the petitioner submitted that this petitioner is a reputed person and the place, where the weapons are recovered, is not his house and



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in fact, it belongs to one Palpandi. The first accused, through whom the weapons were recovered, has already been enlarged on bail by the learned Judicial Magistrate No.3, Tirunelveli, in Crl.MP.No.7113 of 2024, dated 26.03.2024. He has also relied on a decision of the Hon'ble Supreme Court in Maulana Mohd. Amir Rashadi v. State of Uttar Pradesh and Another [2012 (1) Supreme 339] and submitted that the antecedents of the accused need not be looked into while considering the bail application. Therefore, he prayed for anticipatory bail.

5.Learned Additional Public Prosecutor submitted that a country made Gun has been recovered in this case, along with a Telescope and an Aruval. The investigation is in the nascent stage. The petitioner is having seven previous cases to his credit. Considering the stage of the investigation, it may not be proper for granting anticipatory bail.

6.This Court considered the rival submissions made on either side. This Court has also called for the CD file and perused the available materials.

7.The petitioner is arrayed as an accused only through the confession statement of the first accused. The first accused was arrested based on a video uploaded by one

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Sonia. It appears that the first accused has severed his relationship with Sonia and therefore, Sonia has published the video, which she has taken along with the first accused with the country made Gun. In the video, the first accused appears to have made a threat as against other community people.

8.Considering the seriousness of the issue, the Inspector of Police has acted swiftly, arrested the first accused and also recovered a country made Gun, patta Knife and a Gun-Telescope, pursuant to the confession statement of the first accused. As per the confession statement of the first accused, the house, where the weapons were recovered, is the house of this petitioner. The first accused appears to be a follower of this petitioner and he has, in fact, tattooed the petitioner's name in his chest. Based on the confession statement of the first accused, the respondent Police has arrested another accused, namely, Rajasekar.

9.All the accused involved in this case are having several previous cases and this petitioner is involved in the following cases:-

- 1) Cr.No.161/2018, on the file of Thalaiyuthu Police Station,
u/s.294, 353, 506(ii) IPC, 4 of PPD Act @ 109, 120b, 34, 353, 506(ii) IPC, 4
of PPD Act;



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- 2) Cr.No.293/2020, on the file of Thisayanvilai Police Station,
u/s.153A IPC, 66F of IT Act;
- 3) Cr.No.342/2019, on the file of Thisayanvilai Police Station,
u/s.107 Cr.P.C;
- 4) Cr.No.276/2016, on the file of Thisayanvilai Police Station,
u/s.147, 148, 448, 506(ii) IPC, 3 of TNPPDL Act;
- 5) Cr.No.192/2022, on the file of Nanguneri Police Station, u/s.302,
506(ii) IPC @ 109, 120b, 147, 148, 212, 302, 506(ii) IPC;
- 6) Cr.No.112/2014, on the file of Uvari Police Station, u/s.290 IPC,
4A(1a) of TNOPPD Act;
- 7) Cr.No.61/2009, on the file of Surandai Police Station, u/s.25(1B)
(a) of Arms Act & 3, 5 of IES Act & 294(b), 307, 323, 353 IPC;
- 8) Cr.No.340/2018, on the file of Thenampettai Police Station,
u/s.25(1B), 30 of Arms Act & 120b, 147, 148, 353, 506(ii), 294(b) IPC;
- 9) Cr.No.30/2018, on the file of TIN Medical College Police Station,
u/s.3, 4(a) of IES Act, 120b, 144, 148, 294(b), 302, 324, 34, 447, 506(ii) IPC, 3
(1)(r), 3(1)(s) of the SC / ST Act.



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10. Some of the cases involved by this petitioner are communal related ones. The accused belong to a particular community. The first accused's friend has disclosed that the accused have secured weapons in order to murder other community people. This allegation needs to be investigated. The contention of the petitioner that the recovery was not made in his house is also to be investigated.

11. Tirunelveli is a communal prone area. It is only for the past few years, the city is without any communal violences. During the ensuing parliamentary elections, any small spark may lead to a catastrophe. Though the Hon'ble Supreme Court in Maulana Amir Rashadi's case (supra), has pointed out that the antecedents of the accused need not be taken into account at the time of considering the bail, this Court is of the view that it cannot be equated to the present facts and circumstances of this case.

12. Considering the antecedents of the petitioner; the fact that the petitioner has indulged in two communal violence murder cases; that the first accused's friend has uploaded the video about the intention of the accused; the recovery of weapons; and taking into consideration of the ensuing elections, this Court is not inclined to grant anticipatory bail to this petitioner at this stage.



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Accordingly, this criminal original petition is dismissed.

sd/-
12/04/2024

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Sub-Assistant Registrar (CS -I/ II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

gk

To

- 1.The Inspector of Police,
Thalaiyuthu Police Station,
Tirunelveli District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER
IN
CRL OP(MD) No.5358 of 2024
Date :12/04/2024

RK/VR (17/04/2024) 7P / 3C
Madurai Bench of Madras High Court is issuing certified copies in this format from
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