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CRL OP(MD). N



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

Date : 23/09/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.16699 of 2022

Praveen

... Petitioner/Accused No.5

Vs

The State Rep. By,
The Inspector of Police,
Devakottai Taluk Police Station,
Sivagangai District.
Crime No. 54 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Rajeshwaran K,
Advocate.

For Respondent : Mr.RMS.Sethuraman,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No. 54 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The Petitioner/accused No.5, who was arrested and remanded to Judicial Custody on 05.04.2022 for the offences punishable under Sections 147, 148, 302 of IPC @ 147, 148, 364, 302 of IPC in Crime NO.54 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 03.04.2022, when the defacto complainant's husband went to the shop, one Ramalingam was informed the defacto complainant that her husband was murdered near Narumugai Hospital and also informed that there was a wordy quarrel between her husband and Vimal, Parabhakaran @ Parabha, Selvakumar, Dharma, Praveen and Karthick, as a result of which, the petitioner along with the other accused said to have attacked and murdered him. Hence, the complaint.



3.The earlier application that has been filed by the petitioner seeking bail was dismissed on the ground that the petitioner was involved in Crime No.28 of 2019, which was also registered for the offence under Section 307 IPC etc.,

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4.The learned counsel for the petitioner submitted that the petitioner is in custody for more than 172 days. Now final report has also been filed before the concerned Court after completing the investigation. Reading of FIR shows that there was scuffle between two groups of people in drunken mood. Excepting the above said drunken mode state of parties, there was no previous motive between the deceased as well as the petitioner. In the earlier case, there was specific overt act attributed against the petitioner. Reading of the FIR shows that only at the instigation of the petitioner alone the other accused person attacked the defacto complainant and the defacto complainant sustained injuries.

5.However, considering the period of incarceration, this Court is inclined to grant bail to the petitioner on conditions.

6.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on executing a personal bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Devakottai, Sivagangai District and on further condition that the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

sd/-

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE,
DEVAKOTTAI, SIVAGANGAI DISTRICT.

2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.

<https://www.mhc.gov.in>



3. THE OFFICER-INCHARGE,
SUB-JAIL, RAMANATHAPURAM.

4. THE INSPECTOR OF POLICE,
DEVAKOTTAI TALUK POLICE STATION,
SIVAGANGAI DISTRICT.

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

+1 CC to M/s.M/S. RAJESHWARAN K, Advocate (SR-10465[I] dated
23/09/2022)

ORDER

IN

CRL OP(MD) No.16699 of 2022

Date :23/09/2022

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