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

Date : 23/12/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.23067 of 2022

Velmurugan

... Petitioner/Accused-3

Vs

State rep.by
The Inspector of Police,
M.Reddiyapatti Police Station,
Virudhunagar District.
(Crime No.97/2009).

... Respondent/Complainant

For Petitioner : M/s.Varatharajan.R, Advocate.

For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.97/2009 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused herein, who was arrested on 18.04.2022, in pursuant to the execution of NBW issued by the learned Additional District and Sessions Judge, Srivilliputhur, Virudhunagar District, in Crime NO.97 of 2009 on the file of the respondent police, for the alleged offence under Sections 147 148, 120 (b), 364, 302 and 201 of IPC, seeks bail.

2.The petitioner was arrested and remanded on 18.04.2022 on execution of warrant, which was issued on 09.08.2021. In S.C.No.187 of 2011, there are totally 5 accused and this petitioner is arrayed as 3rd accused.



3.The earlier application seeking bail filed by the petitioner was dismissed by this Court on 03.11.2022 on the ground that the petitioner may approach the concerned Court for bail after examination of PW1 is over. But now, without cross examining the PW1, this petition has been filed stating that no specific overt act is attributed against the petitioner even by PW2 who is the eye witness. In the light of non cross examination of material witnesses, it may not be appropriate by this Court to enlarge the petitioner on bail.

4.The learned Additional Public Prosecutor submitted that one of the co-accused also absconding. In the light of the above development, this Court is of the considered view that only after the examination of the material witnesses, the bail may be considered by the trial Court. It is further directed that the trial Court may serve the co-accused to stand tried.

5.With this observations, this criminal original petition stands dismissed.

Sd/-
23/12/2022

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/01/2023
Sub-Assistant Registrar (C.S.I)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

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

ORDER
IN
CRL OP(MD) No.23067 of 2022
Date :23/12/2022