



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/02/2023

PRESENT

WEB COPY

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.3137 of 2023

Thavamari @ Thavam, ... Petitioner/Accused Rank not Known

Vs

The State Rep.by
The Inspector of Police,
Aruppukottai Town Police Station,
Virudhunagar District.
Crime No.271 of 2022..

... Respondent/Complainant

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

For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

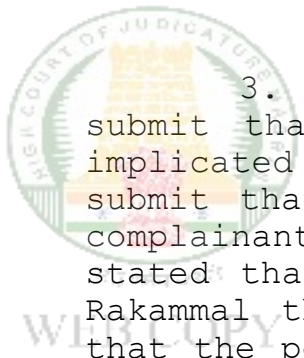
PRAYER :-

For Bail in Crime No.271 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner /accused who was arrested and remanded to judicial custody on 02.12.2022 for the offences under sections 147,148,302 of IPC in crime No.271 of 2022 on the file of the respondent police seeks bail.

2. The case of the prosecution as per the defacto complainant is that on account of previous enmity due to murder of one Rakammal the relative of said Rakammal had in retaliation committed the murder of one Sabarimalai and his brother Rathinavelpandian. During the course of investigation it came to light that the petitioner herein who is the relative of Rakammal had conspired with the other accused and thereafter engaged A4 to A7 who had waylaid the deceased near Ramalinga Mill, Arupukottai while they were coming in a two wheeler and they have indiscriminately assaulted them with aruval resulting in their instantaneous death, hence the case.



3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated as an accused only based on suspicion. He would further submit that even as per the First Information Report the defacto complainant is not an eyewitness to the occurrence and he has stated that due to existing enmity on account of murder of one Rakammal the murder has been committed. He would further submit that the petitioner is in judicial custody from 02.12.2022 and no previous case is pending against the petitioner, hence he seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that it is a case of retaliatory murder. One Rakammal was murdered by Sabarimalai. The petitioner who is the relative of Rakammal had in order to wreck vengeance had engaged A4 to A7 and on the instructions of this petitioner they have waylaid the said Sabarimalai and the brother of the defacto complainant Rathinavelapndian while they were travelling in a two wheeler on 24.11.2022 at about 16.45 hrs and they have indiscriminately attacked him and caused instantaneous death. The accused has also chased the Rathinavel Pandian and committed the murder at the distance of 200m away from the body of the said Sabarimalai, hence he objected to grant bail to the petitioner. He would further submit that the petitioner has got one previous case under the prohibition act.

5. Heard. Perused the materials available on record including the First Information Report.

6. Taking into consideration of the facts and submissions made by the learned counsels and also taking into consideration the period of incarceration this court is inclined to grant bail to the petitioner, subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on bail on condition to execute a 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, Aruppukottai, Virudhunagar District and on further conditions that:

[b] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

[c] the petitioner shall stay at Chennai and report before the North Beach Police Station daily at 10.30 a.m., and 5.30 pm., until further orders.

[d] the petitioner shall not commit any offences of similar nature.

<https://www.mhc.tn.gov.in/judis> [e] the petitioner shall not abscond either during investigation or trial.



[f] the petitioner shall not tamper with evidence or either during investigation or trial.

[g] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
20/02/2023

/ TRUE COPY /

20/02/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE, ARUPPUKOTTAI,
VIRUDHUNAGAR DISTRICT
2. DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR
3. THE INSPECTOR OF POLICE
ARUPPUKOTTAI TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.
4. THE OFFICER IN CHARGE, DISTRICT JAIL,
VIRUDHUNAGAR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

Copy to:

THE INSPECTOR OF POLICE,
NORTH BEACH POLICE STATION, CHENNAI.

+1. CC to M/S.SENTHILKUMAR.R Advocate SR.No.2487

ORDER
IN
CRL OP(MD) No.3137 of 2023
Date : 20/02/2023