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CRL OP(MD).



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

Date : 27/02/2023

PRESENT

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

CRL OP(MD) . No.3759 of 2023

1.Velu @ Vetrivel

2.Sundaram

... Petitioners/Accused Nos.6 & 12

Vs

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

... Respondent/Complainant

For Petitioner : Mr.R.Pon Karthikeyan, Advocate

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

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

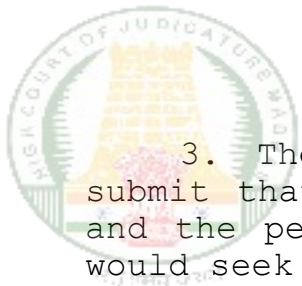
PRAYER :-

For Bail in Cr No.271/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A6 and A12, who were arrested and remanded to judicial custody on 02.01.2023 and 30.11.2023 respectively for the offence punishable under Sections 147, 148, 302 IPC in Crime No.271 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution as per the defacto complainant is that due to previous motive, while the brother of the defacto complainant namely Rathinavel Pandian and one Sabarimalai were travelling in a motor bike on 23.11.2022, the accused waylaid and murdered them. Hence, the case.



3. The learned counsel appearing for the petitioners would submit that the names of the petitioners are not mentioned in FIR and the petitioners are in judicial custody nearly 87 days and he would seek for bail to the petitioners.

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4. The learned Additional Public Prosecutor appearing for the respondent would submit that it is a case of retaliatory murder wherein one Rakkammal was murdered by one Sabarimalai and the other accused are the relatives of Rakkammal and one Thavamari @ Thavam, who is the relative of one Rakkammal had engaged Murugan @ Periyasamy and the said Murugan @ periyasamy engaged the services of A5 to A12. The petitioners, who have no connection with the deceased, only for the purpose of committing murder on being hired by A4, have committed murder. He would also submit that as far as the first petitioner is concerned, there are ample materials to show that he was present in the scene of occurrence and he has participated in the offence by inflicting injuries on the first deceased. He would further submit that as far as the second petitioner is concerned, he has accompanied with other accused and he has handed over the weapons to other accused to execute the crime and thereby he would oppose for grant of bail to the petitioners.

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

6. Considering the specific overt act attributed against the first petitioner, this Court is not inclined to grant bail to the first petitioner and hence, this petition is dismissed in respect of the first petitioner.

7. 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 second petitioner only, subject to the following conditions:

[a] Accordingly, the second 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 **Judicial Magistrate, Aruppukottai**, 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 second petitioner shall stay at Chennai and report before the North Beach Police Station daily at 10.30 a.m and 5.30 p.m until further orders.



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

[e] the second petitioner shall not abscond either during investigation or trial.

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[f] the second petitioner shall not tamper with evidence or witness 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 second petitioner in accordance with law as if the conditions have been imposed and the second 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/-
27/02/2023

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27/02/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CM

TO

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



CRL OP(MD)



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COPY TO

THE INSPECTOR OF POLICE
NORTH BEACH POLICE STATION,
CHENNAI.

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+1 CC to M/s.R.PONKARTHIKEYAN, Advocate (SR-2943[I] dated 27/02/2023

ORDER

IN

CRL OP(MD) No.3759 of 2023

Date :27/02/2023

PKP/SSS/SAR-/27.02.2023/4P/8C