



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/03/2023

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.4794 of 2023

1. Chandraprakash
2. Surya @ Suryaprakash ... Petitioners/Accused Nos.7 & 8

Vs

State Rep.by
The Inspector of Police,
Samayanallur Police Station,
Madurai District.
(Crime No.24/2023).

... Respondent/Complainant

For Petitioners : M/s.M.Murugan, Advocate.
for Spicy Law Firm,
For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.24/2023 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioners /A7 and A8 who were arrested and remanded to judicial custody on 31.01.2023 for the offences under sections 109,147,148,294(b),302, 324, 341,342 and 506(ii) of IPC in Crime No.24 of 2023 on the file of the respondent police seeks bail.

2.The case of the prosecution is that the the defacto complainant is the mother of the deceased. There is enmity between family of the defacto complainant and A1 and criminal cases are pending. Due to some dispute in respect of affixing wall poster in that area on 29.01.2023 at about 4.30 pm., at the instigation of A10 all the accused persons have wrongfully restrained the son of the defacto complainant and attacked him. When the defacto complainant and one Vikram tried to restore him the accused persons also attacked him, hence the case.



3. Heard both sides and perused the materials available on record including the First Information Report.

4. It is seen that there is previous enmity between A1 and the deceased. The deceased already attacked A1 to A3 as such he was facing charge under section 307 of IPC. It is a case of retaliation murder and in order to do away the life of the deceased A1 and A2 along with other accused namely the petitioners herein have attacked the deceased with deadly weapons. As far as the petitioners are concerned they were arrested only on 31.01.2023 and they have also attacked the deceased on his shoulder and head.

5. The learned counsel further submitted that the petitioners are twins and they are college students. That apart one of the accused was suffering from Chicken pox and he has taken treatment in hospital.

6. In reply the learned Additional Public Prosecutor would submit that if at all the petitioner is suffering from chicken pox he will be given treatment in the hospital.

7. In this case the petitioners were arrested only on 31.01.2023 and further some of the accused are yet to be arrested, hence this Court is not inclined to grant bail to the petitioners.

8. Hence the petition stands dismissed.

sd/-

15/03/2023

/ TRUE COPY /

/03/2023

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

AAV

TO

1 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

2 THE INSPECTOR OF POLICE, SAMAYANALLUR POLICE STATION,
MADURAI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.4794 of 2023

Date : 15/03/2023

RS/BUC/SAR-1(20.03.2023) 2P 4C

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