



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/03/2023

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PRESENT

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

CRL OP(MD) . No.5089 of 2023

1. Santhana Mahalingam,

2. Karuppaiya,

... Petitioners/Accused No. 15 & 16

Vs

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

... Respondent/Complainant

For Petitioners : M/s.Vijayaraja J,Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor (Crl.Side)

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 petitioners /A15 and A16 who were arrested and remanded to judicial custody on 21.01.2023 and 24.01.2023 for the offences under sections 147,148 and 302 of IPC @147,148,302 r/w.120 of 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 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



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

4. It is seen that there are totally 19 accused in this case in which some of the accused were granted bail. In so far as the petitioners are concerned they are arrayed as A15 and A16. It is a case of retaliation murder. Since the second petitioner's sister was already murdered by one of the deceased another deceased was murdered by the accused persons by wrong identity. So far as the petitioners herein are concerned they engaged other persons to do away the life of the deceased. According to the case of prosecution they only dropped A1 and A2 in the scene of occurrence, the occurrence had happened. Taking into consideration of the facts and also the period of incarceration this court is inclined to grant bail to the petitioners, subject to the following conditions:

[a] Accordingly, the petitioners are ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned 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 petitioners shall report before the respondent police daily at 10.30 A.M., and 5.30 pm., until further orders.

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

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

[f] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].



CRL OP(MD)



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

sd/-
17/03/2023

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17/03/2023

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

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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,
VIRUTHUNAGAR DISTRICT.
- 4 THE OFFICER INCHARGE
VIRUDHUNAGAR SUB JAIL, VIRUDHUNAGAR.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.VIJAYARAJA J, Advocate (SR-4479[I] dated 17/03/2023)

ORDER
IN
CRL OP(MD) No.5089 of 2023
Date :17/03/2023

PKP/MMS/SAR- /17.03.2023/ **3P/7C**