



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 27/03/2023
PRESENT

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

CRL OP(MD) . No.5557 of 2023

P.Selvan @ Karikadai Selvam

... Petitioner/Accused 11

Vs

The State rep.by
The Inspector of Police,
Thirupparankundram Police Station,
Madurai District.
Crime No. 74 of 2023.

... Respondent/Complainant

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

For Respondent : Mr.A.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :- For Bail in Crime No. 74 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner /All who was arrested and remanded to judicial custody on 09.02.2023 for the offences under sections 341,294(b), 302,506(ii) of IPC in Crime No.74 of 2023 on the file of the respondent police seeks bail.

2. The defacto complainant is the wife of the deceased. The case of the prosecution is that the accused persons and the deceased are relatives, but there exists some enmity between them. Whiles, on 01.02.2023 at about 09.30 pm., while the deceased was coming in this two wheeler, A1 to A3 have restrained him and attacked him with deadly weapons and caused his case, hence the case.

3. The learned Additional Public Prosecutor would submit that the occurrence had taken place on 31.01.2023, thereafter on 05.02.2023 one of the family member of the accused was murdered by the victim family and police picketing is also there and if the petitioner is let out on bail, his life will be in danger. However the first accused was arrested and released on bail.



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

5. It is seen that there are three named accused in the First Information Report and the confession statement of the co-accused this petitioner has been implicated as per section 120(b) of IPC. Even according to the case of prosecution prior to the occurrence A7 to A11 were sitting together and conspired together to do away the life of the deceased. However there is no specific overt act as against the petitioner except the said conversation. Taking into consideration the facts and submissions made by the learned counsels and also 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 blood related sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.VI, Madurai 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 Namakkal and report before the Namakkal Police Station daily at 10.30 am., and 5.30 pm., for a period of four weeks and thereafter before the respondent police daily at 10.30 am., until further orders.

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

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

[f] the 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 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].



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CRL OP(MD).



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

sd/-

27/03/2023

/ TRUE COPY /

27/03/2023

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

AAV

TO

- 1 THE JUDICIAL MAGISTRATE NO.VI,
MADURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 4 THE INSPECTOR OF POLICE,
THIRUPPARANKUNDRAM POLICE STATION,
MADURAI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE INSPECTOR OF POLICE,
NAMAKKAL POLICE STATION,
NAMAKKAL.

+1. CC to M/S.SELVARAJ R Advocate SR.No.4899

ORDER

IN

CRL OP(MD) No.5557 of 2023

Date :27/03/2023

SA/MMS/SAR. /27.03.2023/3P/8C