



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.5617 of 2023

Gajendran

... Petitioner/Accused 15

Vs

The State rep.by
The Inspector of Police,
Aruppukottai Town Police Station,
Virudhunagar District.
(In Crime No.271/2022).

... Respondent/Complainant

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

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.271/2022 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.Heard both sides and perused the materials available on record including the First Information Report. The learned Additional Public Prosecutor would submit that the petitioner has very bad antecedents.



4. Taking into consideration the fact that it is case of circumstantial evidence and also the fact that co-accused was arrested and released on bail 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, 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 Karur and report before the Karur Police Station daily at 10.30 a.m., 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].

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

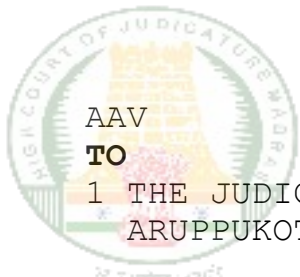
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27/03/2023

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



AAV

TO

1 THE JUDICIAL MAGISTRATE,
ARUPPUKOTTAI, VIRUDHUNAGAR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE OFFICER INCHARGE,
DISTRICT JAIL, VIRUDHUNAGAR.

4 THE INSPECTOR OF POLICE,
ARUPPUKOTTAI TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

COPY TO:

THE INSPECTOR OF POLICE,
KARUR POLICE STATION,
KARUR.

+1. CC to M/S.SENTHILKUMAR R Advocate SR.No.4935

ORDER

IN

CRL OP(MD) No.5617 of 2023

Date :27/03/2023

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