



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 12/04/2023
PRESENT

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

CRL OP(MD) . No.6668 of 2023

1. Chandraprakash,

2. Surya @ Suryaprakash, ... Petitioners/Accused 7 & 8

Vs

The State rep.by
The Inspector of Police,
Samayanallur Police Station,
Madurai District.
Crime No.24 of 2023.

... Respondent/Complainant

For Petitioners : M/s.MURUGAN, Advocate
for M/s.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 Cr.No.24 of 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. In so far as the petitioners are concerned they are friends of A1 to A3. It is a case of retaliation murder. Taking into consideration of the facts and submissions made by the learned counsels 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 blood related sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Vadipatti 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 stay at Ariyalur and report before the Ariyalur Police Station daily at 10.30 A.M. and 5.30 P.M., for a period of four weeks and thereafter before the respondent police daily at 10.30 a.m., 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].



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CRL OP(MD).



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

sd/-

12/04/2023

/ TRUE COPY /

12/04/2023

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

AAV

TO

- 1 THE JUDICIAL MAGISTRATE,
VADIPATTI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 4 THE INSPECTOR OF POLICE,
SAMAYANALLUR POLICE STATION,
MADURAI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE INSPECTOR OF POLICE,
ARIYALUR POLICE STATION,
ARIYALUR.

+1. CC to M/S.SPICY LAW FIRM Advocate SR.No.5716

ORDER

IN

CRL OP(MD) No.6668 of 2023
Date :12/04/2023

SA/SSS/SAR. /12.04.2023/3P/8C