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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 25/04/2023
PRESENT

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

CRL OP (MD) . Nos.7738 and 7740 of 2023

Jeyaprakash, ... Petitioner/Accused
in Crl.O.P(MD) No.7738 of 2023

Suryaprakash ... Petitioner/Accused
in Crl.O.P(MD) No.7740 of 2023

Vs

The State rep.by
The Inspector of Police,
Aruppukottai Town Police Station,
Virudhunagar District.
Cr.No.271/2022.

... Respondent/Complainant
in both petitions

(In both petitions)

For Petitioner : M/s.Alexandar.J,
Advocate.

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

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

COMMON PRAYER :- For Bail in Crime No. 271/2022 on the file of the Respondent Police.

COMMON ORDER : The Court made the following order :-

The petitioners /A1 and A13 who were arrested and remanded to judicial custody on 25.11.2022 for the offences under sections 147,148,302 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 a sword resulting in their instantaneous death, 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 are totally 19 accused in this case in which the petitioners herein are arrayed as A1 and A13. They are none other than the son of the deceased. Earlier the deceased had murdered the mother of the petitioner. It is a case of retaliation murder. The petitioners engaged hirelings to do away the life of the deceased. Accordingly all the accused persons brutally attacked the deceased and murdered. In fact they also murdered another person on wrong identity.

5. The learned Additional Public Prosecutor would submit that it is a case of retaliation murder. Further police picketing is there and if the petitioner is released on bail another untoward incident will happen. He would further submit that investigation has been completed and final report has been taken cognizance by the learned Judicial Magistrate, Aruppukottai in PRC No.11 of 2023.

6. Taking into consideration the facts and submissions made by the learned counsels and also the period of incarceration and also the fact that some of the co-accused were granted bail by this Court and also taking note of the fact that except this case no other case is pending as against the petitioner, 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:

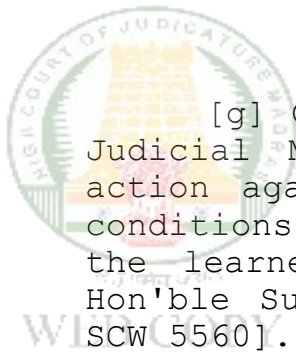
[b] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

[c] the petitioner report and sign before the learned Judicial Magistrate, Aruppukottai on all working days at 10.30a.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 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].

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

sd/-

25/04/2023

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25/04/2023

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,
VIRUDHUNAGAR 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.

+2. CC to M/S.ALEXANDAR.J Advocate SR.No.6506

ORDER

IN

CRL OP (MD) . Nos.7738 and
7740 of 2023

Date :25/04/2023

SA/SSS/SAR. /25.04.2023/3P/8C