



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 05/06/2023

PRESENT

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

CRL OP(MD). No.9665 of 2023

Arivalagan @ Vinith

... Petitioner / Accused No.6

Vs

State represented by
The Inspector of Police,
Karaikudi South Police Station,
Sivagangai District.
(Crime No.63 of 2023.)

... Respondent / Complainant

For Petitioner : M/s.Jegadeesh Pandian M, 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.63 of 2023 on the file of the Respondent Police

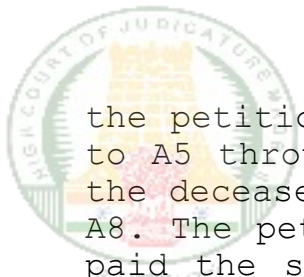
ORDER : The Court made the following order :-

The petitioner/accused No.6 who was arrested and remanded to judicial custody on 03.04.2023 for the offences under sections 448, 302 @ 109, 120(B), 177, 450, 302 of IPC in Crime No.63 of 2023 on the file of the respondent police seeks bail.

2. The case of the prosecution is that on 30.03.2023, when the deceased was slept in a room after having food, the defacto complainant heard some noise inside the room and found that one person went away with a knife and her son with the cut injuries. He was taken to Government Hospital, soorakudi. There he was declared as dead. Hence the case.

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

<https://www.mhc.tn.gov.in/> It is seen that there are totally 9 accused in this case and



the petitioner herein is arrayed as A6. Accused No.7 & 9 enlisted to A5 through the petitioner herein decided to do away the life of the deceased, who is none other than brother of A7 and A9 and son of A8. The petitioner is concerned, he received money from A7 & A8 and paid the same to the hooligans. It is also seen that the deceased used to misbehave with A7 & A9 in drunken mood, who are his own sisters. Therefore, they engaged hooligans and murdered the deceased.

5. 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, Karaikudi, Sivagangai 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 report before the respondent police morning at 10.30 A.M. And evening at 05.30 P.M 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.

sd/-

05/06/2023

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

DSS

<https://www.mhc.tn.gov.in/judis>



To

1.The Judicial Magistrate,
Karaikudi, Sivagangai District.

2.Do through the Chief Judicial Magistrate,
Sivagangai District.

3.The Inspector of Police,
Karaikudi South Police Station,
Sivagangai District.

4.The Superintendent,
Central Prison, Madurai.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.M.JEGADEESH PANDIAN, Advocate (SR-8071[I] dated
05/06/2023)

ORDER

IN

CRL OP(MD) No.9665 of 2023

Date :05/06/2023

ED/SSS/SAR- (05/06/2023) 3P 7C