



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 12/06/2023
PRESENT

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

CRL OP(MD). No.10189 of 2023

1. Ramamoorthi,
2. Rajasekar,
3. Suryakala, ... Petitioners/Accused 2,4 & 5

Vs

The State rep.by
The Inspector of Police,
Vadipatty Police Station,
Madurai District.
Crime No.145 of 2023.

... Respondent/Complainant

For Petitioner : M/s.Karthik A,
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.145 of 2023 on the file of the respondent police.

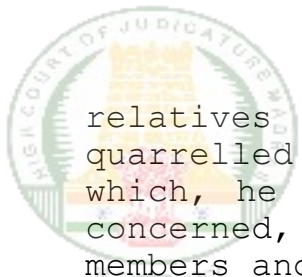
ORDER : The Court made the following order :-

The petitioners/A2, A4 and A5 who were arrested and remanded to judicial custody on 14.04.2023 for the offences punishable under Sections 147, 148 and 302 IPC in Crime No.145 of 2023, on the file of the respondent police, seek bail.

2.The case of the prosecution is that there exists enmity between the family members of A1 and the deceased, due to which, all the accused persons joined together and attacked the deceased and caused his death. Hence, the case.

3.Heard. Perused the materials available on record including the First Information Report.

4.It is seen that there are totally 8 accused in the case and the petitioners are arrayed as A2, A4 and A5. They are close



relatives of the first accused. On the date of occurrence, A1 quarrelled with the deceased and as such, A1 attacked him and due to which, he succumbed to the injuries. Insofar as the petitioners are concerned, there are specific overt acts, since they are all family members and they have been falsely implicated as an accused.

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5. Considering the above facts and circumstances of the case and also considering 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 sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Vadipatty, 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 report before the respondent police daily at 10.30 A.M. for a period of four weeks and thereafter, as and when required for interrogation.

[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].

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

sd/-
12/06/2023

/ TRUE COPY /

13/06/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



SJI
TO

- 1 THE JUDICIAL MAGISTRATE,
VADIPATTY.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE OFFICER INCHARGE,
DISTRICT JAIL, VIRUDHUNAGAR.
- 4 THE SUPERINTENDENT
CENTRAL PRISON (WOMEN) , MADURAI .
- 5 THE INSPECTOR OF POLICE,
VADIPATTY POLICE STATION,
MADURAI DISTRICT.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to MR.A.KARTHIK, Advocate SR.No.8543(I)

ORDER

IN

CRL OP (MD) No.10189 of 2023
Date :12/06/2023

SA/VR/SAR. /12.06.2023/3P/8C