



WEB COPY

CRL OP(MD). N



23

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.10224 of 2023

Thavamari @ Thavam

... Petitioner/Accused Rank Not Known

Vs

State Rep.by

The Inspector of Police,

Aruppukottai Town Police Station,

Virudhunagar District.

(FIR in Crime No.271 of 2022).

... Respondent/Complainant

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

For Respondent : Mr.R.M.Anbunithi,

Additional Public Prosecutor

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

PRAYER :-

To release the petitioner on bail relating to the case in P.R.C.No.11 of 2023 on the file of the learned Judicial Magistrate Court, Aruppukottai, Virudhunagar in Crime No.271 of 2022 on the file of the Respondent Police dated 25.11.2022.

ORDER : The Court made the following order :-

The petitioner/A3, who is facing trial for the offences punishable under Sections 147, 148, 149, 302, 114, 120(B), 404 and 201 r/w 34 of IPC in P.R.C.No.11 of 2023 on the file of the learned Judicial Magistrate Court, Aruppukottai in Crime No.271 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the deceased Sabarimalai is alleged to have involved in the case of murder of one Rakkammal and due to that the petitioner and other accused are the relatives of the said Rakkammal were attempted to murder the said Sabarimalai. On 24.11.2022 at about 16.45 hours, the deceased Sabarimalai and his brother Rathinavel Pandian were coming on the two-wheeler near Ramalinga Mill, Aruppukottai, the petitioner and other accused chased them and murdered them in revenge. Hence, the case.



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

4. It is seen that the petitioner was already granted bail on condition that the petitioner shall stay at Chennai and report before the North Beach Police Station, Chennai daily at 10.30 a.m. and 05.30 p.m. However, the petitioner has failed to comply with the condition and as such, the bail was cancelled and again arrested and remanded to judicial custody on 26.04.2023. The crime is of the year 2022. Now the investigation is completed and the case is also pending committal in P.R.C.No.11 of 2023 on the file of the learned Judicial Magistrate, Aruppukottai, Virudhunagr District.

5. Considering the above facts and circumstances and also considering the period of incarceration undergone by the petitioner, 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 sureties each for a like sum to the satisfaction of the learned Judicial Magistrate Court, 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 shall report before the learned Judicial Magistrate Court, Aruppukottai in P.R.C.No.11 of 2023 daily at 10.30 A.M. and 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/-

12/06/2023

/ TRUE COPY /

12/06/2023

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



1 THE JUDICIAL MAGISTRATE, ARUPPUKOTTAI.

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

3 THE OFFICER INCHARGE, VIRUDHUNAGAR DISTRICT JAIL,
VIRUDHUNAGAR DISTRICT.

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

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

+2 CC to M/s.P.PRABHAKAR PANDIAN, Advocate (SR-8495[I] dated
12/06/2023)

ORDER

IN

CRL OP(MD) No.10224 of 2023

Date :12/06/2023

RS/VR/SAR-(12.06.2023) 3P 8C