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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/06/2023

PRESENT

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

CRL OP(MD). No.10623 of 2023

Stephen

... Petitioner/Accused No.19

Vs

State Rep.by
The Inspector of Police,
Aruppukkottai Town Police Station,
Virudhunagar District.
Crime No.271 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Anantha Murugan S.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.271 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner /A19 who was arrested and remanded to judicial custody on 26.04.2023 for the offences under sections 147, 148, 302 of IPC @ 147, 148, 149, 114, 302, 120B r/w.34 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 aruval 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 the petitioner was originally granted bail, however he failed to comply with the conditions as imposed by the Court. Only for non compliance of the order the petitioner was arrested and remanded to judicial custody. 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 sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Aruppukottai, Virudhunagar 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 learned Judicial Magistrate, Aruppukottai on all working days at 10.30 A.M. And 5.30 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/-

15/06/2023

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15/06/2023

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

AAV

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



TO

1 THE JUDICIAL MAGISTRATE, ARUPPUKOTTAI, VIRUDHUNAGAR DISTRICT.

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

3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

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

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

+1 CC to M/s.S.M.ANANTHA MURUGAN, Advocate (SR-8758[I] dated
15/06/2023)

ORDER

IN

CRL OP(MD) No.10623 of 2023

Date :15/06/2023

RS/VR/SAR-(15.06.2023) 3P 7C