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CRL OP(MD). N



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/06/2023

PRESENT

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

CRL OP(MD). No.10687 of 2023

Arun @ Arun Kumar

... Petitioner/Accused No.3

Vs

State Rep.by
The Inspector of Police,
Virudhunagar East Police Station,
Virudhunagar District.
Crime No.91 of 2023

... Respondent/Complainant

For Petitioner : M/s.Kesavan 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.91 of 2023 on the file of respondent police

ORDER : The Court made the following order :-

The petitioner /A3 who was arrested and remanded to judicial custody on 11.05.2023 for the offences under sections 147, 148, 307, 353, 450 and 506(2) of IPC in Crime No.91 of 2023 on the file of the respondent police seeks bail.

2. The case of the prosecution is that the defacto complainant and his friend Vignesh were arrested and remanded to judicial custody on 06.03.2023 for a murder case and the defacto complainant and his friend were admitted in the hospital for treatment. Thereafter on 18.04.2023 at about 5.45 pm., the petitioner along with other accused unlawfully assembled together and attempted to murder the defacto complainant while he was in lawful custody and also threatened to kill him, 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 relative of the first accused is murdered by the defacto complainant and others, hence the petitioners herein have attacked the defacto complainant due to which he sustained injuries and was taking treatment in the hospital. While he was taking treatment in the hospital the petitioner entered into the hospital and attacked him with deadly weapons. Further the learned counsel for the petitioner would submit that even according to the case of prosecution there is no specific overt act and only on the confession given by the first accused this petitioner has been arrayed as an accused. 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 No.II, Virudhunagar 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 daily at 10.30 A.M. and 5.30P.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/-

16/06/2023

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16/06/2023

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

AAV



TO

1 THE JUDICIAL MAGISTRATE NO.II, VIRUDHUNAGAR DISTRICT.

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

3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

4 THE INSPECTOR OF POLICE, VIRUDHUNAGAR EAST POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

+1 CC to M/s.A.KESAVAN, Advocate (SR-8887[I] dated 16/06/2023)

ORDER

IN

CRL OP(MD) No.10687 of 2023

Date :16/06/2023

RS/VR/SAR-(16.06.2023) 3P 7C