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CRL OP(MD). N



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/06/2023

PRESENT

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

CRL OP(MD). No.10970 of 2023

Vijay @ Vijaybharathi

... Petitioner/Accused No.3

Vs

State Rep.by
The Inspector of Police,
Kulithalai Police Station,
Karur District
(Crime No.185 of 2023).

... Respondent/Complainant

For Petitioner : M/s.Karunanithi 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.185 of 2023 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/A3 who was arrested and remanded to judicial custody on 19.04.2023 for the offences under sections 147, 148, 294 (b), 323, 324, 307 and 506(ii) of IPC @ 147, 148, 294(b), 323, 324, 307, 302 and 506(ii) of IPC in Crime No.185 of 2023 on the file of the respondent police seeks bail.

2. The case of the prosecution is that the the defacto complainant had love affair with one woman and the first accused in this case also had love affair with the same woman. Therefore the first accused had motive with the defacto complainant and due to that said motive the first accused along with the other accused scolded the defacto complainant and his brother who supported the defacto complainant in filthy language and also assaulted the defacto complainant and his brother with wooden log and caused injuries to them and thereafter they were admitted in the hospital and the brother of the defacto complainant succumbed to injuries, hence the case.

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

4. There was motive between the deceased and the petitioner, hence On 19.04.2023 due to previous enmity they attacked the deceased and both quarreled with each other and as such the first accused also sustained injuries. Initially case was registered for the offence under section 307 of IPC and subsequently altered to section 302 of IPC. Taking into consideration the facts and submissions made by the learned counsels and also the period of incarceration and also the fact that some of the co-accused were granted bail by this Court 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 No.II, Kulithalai, Karur 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 stay at Thoothukudi and report before the Thoothukudi South Police Station daily at 10.30 am., and 5.30 pm., 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/-

20/06/2023

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20/06/2023

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

AAV

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TO

1 THE JUDICIAL MAGISTRATE NO.II, KULITHALAI, KARUR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, KARUR DISTRICT.

3 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.

4 THE INSPECTOR OF POLICE, KULITHALAI POLICE STATION,
KARUR DISTRICT.

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

COPY TO

THE INSPECTOR OF POLICE
THOOTHUKUDI SOUTH POLICE STATION,
THOOTHUKUDI DISTRICT.

+1 CC to M/s.M.KARUNANITHI, Advocate (SR-9081[I] dated 20/06/2023)

ORDER

IN

CRL OP(MD) No.10970 of 2023

Date :20/06/2023

RS/SSS/SAR-(20.06.2023) 3P 8C