



CRL OP(MD). No.13171 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/07/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.13171 of 2023

Roni

... Petitioner/ Accused No.4

Vs

The State rep.by,
The Inspector of Police,
Gangaikondan Police Station,
Tirunelveli District.
Crime No.153/2023.

... Respondent/ Complainant

For Petitioner : M/s. Anand.K, Advocate

For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.153/2023 on the file of the respondent police.



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ORDER : The Court made the following order :-

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The petitioner/ A1 herein, who was arrested on 16.05.2023 for the alleged offence under Sections 147, 148, 302, 120(B) IPC, in Crime No.153 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant and his deceased brother are Ceylon refugees. As per the direction given by V.A.O, Gangaikondan, the deceased used to sleep in the house of A2 during rainy season. This creates enmity between them. Prior to the occurrence, on 07.05.2023 A3 was riding his two wheeler in a rash and negligent manner and tried to hit the aged woman, which was warned by the deceased. Due to which, trouble arose between them and a case and a case in counter were registered against each parties. On that motive, on 13.05.2023, all the accused persons had conspired together, assaulted the deceased and committed murder. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. The petitioner is in custody from 16.05.2023. It is a case and case in counter between



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the parties, due to previous enmity. Hence, prays to release him on bail.

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4.The learned Additional Public Prosecutor submitted that there was trouble arose between the parties in respect of stay of the deceased, there was revenge between the two groups, over which, the first occurrence took place on 07.05.2023 and a case and case in counter in Crime Nos.141 and 142 of 2023 were registered against each group. Within few days, ie., on 13.05.2023, as a revenge the present occurrence took place. The petitioner and other accused persons indiscriminately assaulted and caused death to the deceased. Hence, prays to dismiss the petition.

5.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6.Considering the facts and circumstances of the case, gravity of the offence, overt act attributed against the petitioner, the manner in which the occurrence took place and the fact that the petitioner is the friend of first accused, this Court is not inclined to grant bail to the petitioner.



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7. Accordingly, this Criminal Original Petition stands dismissed.

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

pnm

TO

1. THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

2 THE INSPECTOR OF POLICE,
GANGAIKONDAN POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1. CC to M/S. ANAND.K Advocate SR.No.10955

ORDER
IN

CRL OP(MD) No.13171 of 2023

Date :19/07/2023

RK/BUC (28/07/2023) 4P /5 C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023