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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 16/08/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.14852 of 2023

Roni

... Petitioner/ Accused No.4

Vs

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

... Respondent/Complainant

For Petitioner : M/s.R.L.Dhilipan Pandian, Advocate
for Mr.K.Anand, 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 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner / Accused No.4 herein, who was arrested on 16.05.2023 for the alleged offence under Sections 147, 148, 302 and 120(B) of IPC in Crime No.153 of 2023, on the file of the respondent police, seeks bail.



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2. The case of the prosecution as per the defacto complainant version is that the defacto complainant and his deceased brother are Srilankan refugees. On 07.05.2023, the third accused was riding his two wheeler in a rash and negligent manner and tried to hit an aged woman, which was warned by the deceased. As per the direction of V.A.O.,Gangaikondan, the deceased used to sleep in the house of the second accused during rainy season. This created enmity between them. Due to the enmity, case and counter cases were also registered against both 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, he has not committed any offence as alleged by the prosecution. He has been falsely implicated in this case. Hence, he seeks for the relief of bail.

4. The learned Additional Public Prosecutor would submit that the earlier application was dismissed by this Court by order dated 19.07.2023. It has been further stated that final report has been filed and taken cognizance by the learned Judicial Magistrate No.III, Tirunelveli, in C.C.No.253 of 2023. He further submits that the petitioner has two previous cases, one in an accident case and another one case is under Section 379 of IPC.



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5. The learned counsel for the petitioner submitted that except this petitioner, the defacto complainant, deceased as well as other co-accused are Srilankan refugees. They themselves have some sort of trouble with each other. Except the fact that the petitioner is a friend of the first accused, he is no way involved in the enmity between those persons.

6. Reading of the final report shows that this petitioner along with the co-accused, standing in front of the house of the deceased and watching the movements and the occurrence.

7. Considering the fact that the final report has been filed and taken cognizance by the trial Court and eventhough, the petitioner is involved in two previous cases, considering the period of incarceration, this Court is inclined to grant relief to the petitioner.

8. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on executing a personal 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.III, Tirunelveli*, and on further condition that
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the petitioner shall report before the respondent police daily at 10.30 a.m. until
further orders.

sd/-
16/08/2023

/ TRUE COPY /

16/08/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNN

TO

- 1 THE JUDICIAL MAGISTRATE NO.III
TIRUNELVELI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.
- 3 THE INSPECTOR OF POLICE
GANGAIKONDAN POLICE STATION,
TIRUNELVELI DISTRICT
- 4 THE SUPERINTENDENT
CENTRAL PRISON, PALAYAMKOTTAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



+1 CC to M/s.K.ANAND, Advocate (SR-12306[I] dated 16/08/2023)

ORDER
IN
CRL OP(MD) No.14852 of 2023
Date :16/08/2023

SS/16/08/2023/5P/7C

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