



CRL OP(MD). No.15063 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/08/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.15063 of 2023

P.Vimal

... Petitioner/ Accused No.2

Vs

The Inspector of Police,
Koodalur North Police Station,
Theni District.
Crime No.115 of 2023.

... Respondent/Complainant

For Petitioner : Mr.NA.Manimaran

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

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

PRAYER :-

For Bail in Crime No.115 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner / Accused No.2, who was arrested on 11.05.2023 for the alleged offence under Sections 355, 323, 506(ii), 109, 302 r/w. 34 of IPC, in Crime No.115 of



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2023, on the file of the respondent police, seeks bail.

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2.The case of the prosecution is that the defacto complainant has lodged the complaint stating that her husband namely Maharajan, is working in crusher unit. She let out her house to her relative namely Chellapriya. On 10.05.2023 at about 4.00 p.m., trouble has arisen between Chellapriya and her husband namely Vimal. The said Vimal beaten the said Chellapriya. The defacto complainant intervened into the trouble and seperated them. At about 8.00 p.m., one Chellapandiyan, who is brother of Chellapriya came along with Vimal to her house and picked up quarrel with Chellapriya. Later, Chellapandiyan picked up Aruval and caused severe assault to Chellapriya. After making the above said attack, he ran away from that place. When the defacto complainant went to that place, the said Chellapriya found dead. Based on that ground, this case has been registered. The petitioner was arrested and remanded to judicial custody on 11.05.2023.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent. Act 14 has been invoked by the District Collector against this petitioner. But, later that was set aside by the Advisory Board, by the order dated 26.07.2023. Hence, prays to release him on bail.

4. Reading of the First Information Report shows that the above said Chellapandiyan, who is brother of the deceased had caused assault with Aruval



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and also causing death to the deceased. Even though, the petitioner is the husband of the deceased, because of some difference of opinion, there were living separately.

This petitioner is involved in NPDS Act cases. The deceased only refused to live with this petitioner. This caused angry to the said Chellapandiyan and he alleged to have caused death.

5. Considering the above said aspects and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner with certain conditions.

6. 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) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Uthamapalayam, and on further condition that the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

sd/-
18/08/2023

/ TRUE COPY /

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



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Indu
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TO

1. The Judicial Magistrate, Uthamapalayam.
 2. Do through The Chief Judicial Magistrate,
Theni.
 3. The Superintendent, Central Prison, Madurai.
 4. The Inspector of Police,
Koodalur North Police Station,
Theni District.
 5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- +1. CC to M/S.MANIMARAN NA Advocate SR.No.12463

ORDER
IN
CRL OP(MD) No.15063 of 2023
Date :18/08/2023

ED/(18.08.2023)/ 4P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.