



CRL OP(MD). No.16765 of 2023

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

Date : 15/09/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

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Amirtharaj

... Petitioner/7th Accused

Vs.

State, represented by
The Inspector of Police,
Virudhunagar West Police Station,
Virudhunagar District.
(Crime No.155 of 2023).

... Respondent/Complainant

For Petitioner : Mr.Ramasamy.S,
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.155 of 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/ 7th accused herein, who was arrested on 04.08.2023 for the alleged offence under Sections 120(b), 147, 148, 452, 294(b), 307, 324, 427, 506(ii) and 302 IPC, in Crime No.155 of 2023 on the file of the respondent Police, seek bail.

2. The case of the prosecution is that the defacto complainant lodged the complaint stating that there was previous enmity between the defacto complainant's maternal uncle namely Kumaravel and Sekar @ Chandra Sekar , Vikraman, Gnanasekaran, Sivaprakash, Hariharan, extra. On 18.06.2023, a murder took place in Karaikudi, in which, one Vinith was murdered, who is son of the above said Gnanasekaran, in which, his maternal uncle was also implicated. But, later he was not added as accused. Because of the above said, the enmity continued. On 25.07.2023 at about 4.45 p.m., when the defacto complainant, one Ramkumar were available in his office, some six persons broke upon the office and tried to murder the said Kumaravel, that was sought to be prevented by Ramkumar. In the above said occurrence, Ramkumar, Kumaravel were also assaulted with deadly weapons. When the defacto complainant sought to prevent the attack, he was also assaulted and the injured were taken to the hospital, where, the said Kumaravel declared to be dead.



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On that basis, the above said case was registered and this petitioner is arrested and remanded to custody.

3. Seeking bail, the petitioner moved the application before the Principal Sessions Judge, Srivilliputhur, that was also came to be dismissed by the order dated 31.08.2023. After that, the present petition has been filed before this Court.

4. The learned counsel for the petitioner would submit that even as per the complaint made by the defacto complainant, the petitioner is also one of the injured and no specific overt act is attributed against him.

5. The learned Additional Public Prosecutor would submit that it is the continuous occurrence of murder. The starting point was the assault made upon one Velu. After that, one S.R.Nagarajan and one Pandiyammal were also murdered. After that there was group rivalry between Athinarayanan and Gnanasekaran's groups. Because of the above said group rivalry, it is continued in market area also, one Alex Pandian was murdered. Arrangements made by one Vinith, who was murdered in Karaikudi. It was also found that the present case is related to murder of Kumaravel.

They wanted to make retaliation on Kumaravel, that was also executed as mentioned



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in the First Information Report. According to him, so far this petitioner is concerned, he watched the movement of the deceased Kumaravel. On the basis of the confession statement of co-accused, he was also implicated.

6. Reading of the file shows that in a gruesome manner, the above said murder said to have taken place as retaliation. Recommendation has been made by the Inspector of Police for invoking Act 14 against the petitioner, which is also stated to be pending consideration.

7. Per contra, the learned counsel for the petitioner would submit that inspite of the above said representation that was made on 08.09.2023, so far no order has been passed.

8. However considering the manner, in which the offence said to have taken place, this petitioner is not entitled for claiming any discretionary relief. If the petitioner is released on bail, he may abscond, tamper the evidences. It is clear pre-planned murder, in which, so many persons are involved. This petitioner watched the movement of the deceased at the instance of the co-accused. The active participation of this petitioner has also been verified in the course of investigation. So,

<https://www.mhc.tn.gov.in/judis>



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I find no reason to grant bail to this petitioner. Hence, this petition deserves dismissal and accordingly dismissed.

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

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TO

- 1.THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
2. THE INSPECTOR OF POLICE,
VIRUDHUNAGAR WEST POLICE STATION,
VIRUDHUNAGAR DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN

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Date :15/09/2023

RK/GB (22/09/2023) 5P / 4C

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