



CRL OP(MD). No.16890 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/09/2023

PRESENT

The Hon`ble Mr.Justice P. DHANABAL

CRL OP(MD). No.16890 of 2023

1. Gnanasekaran,
2. Vikraman,

... Petitioners/ Accused 2-3

Vs

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

... Respondent/ Complainant

For Petitioner : M/s.Vivekananthan R,
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.155/2023 on the file of the Respondent Police.

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



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ORDER : The Court made the following order :-

The petitioners/ A2 and A3 who were arrested and remanded to judicial custody on 27.07.2023 for the offences punishable under Sections 147, 148, 452, 294(b), 307, 324, 427, 506(2) and 302 of IPC in Crime No.155 of 2023 on the file of the respondent Police, seek bail.

2. The case of the prosecution is that there was previous enmity between the deceased and A1 to A5 and further the deceased was implicated in the murder case of one Vinith, S/o. Vikraman and subsequently his name was removed from the case. Having aggravated over the same on 25.07.2023 at about 4.45 pm., when the deceased along with other family members were in the office the accused persons trespassed into the office and tried to attack the deceased. At that time one Ramkumar restrained them, thereby the accused persons assaulted one Ramkumar and Kumaravel with deadly weapons and caused damages to the movable articles in the office. It is further alleged that due to attack made by the accused the deceased sustained serious injuries and died and other two persons sustained injuries and admitted in the hospital, hence the case came to be registered.



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3. The learned counsel appearing for the petitioners would contend that the petitioners are innocent and a false case has been foisted against them. He would further submit that due to previous enmity all the family members were implicated as an accused. Further the petitioners never participated in the above said crime and they never instigated any accused to commit the offence. The petitioners voluntarily surrendered before the Court and they were remanded to judicial custody on 27.07.2023 and they are still in judicial custody, hence they may be granted bail.

4. The learned Additional Public Prosecutor appearing for the respondent would contend that there are totally 18 accused in this case and the petitioners herein are arrayed as A2 and A3. It is a case of retaliation murder. Due to previous enmity the petitioners along with other accused committed the murder of the deceased. Further during the occurrence two persons also sustained injuries and they recently discharged from the hospital. He would further submit that the proposal has been sent to detain the petitioners under Act.14 of 1985 and this is the second application for bail and the earlier bail application was dismissed on 31.08.2023 and there is no change in circumstance of the case to consider the present bail application, hence he strongly objected to grant bail to the petitioners.



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5. Heard both side and perused the materials available on record.

6. Considering the rival submissions on either side and considering the fact that the investigation not yet completed and yet another accused is to be secured by the police and also considering the gravity of offence and also the fact that there is no change in circumstances of the case to consider the present bail application, this Court is not inclined to grant bail to the petitioners at this stage.

7. Hence the petition stands dismissed.

sd/-
20/09/2023

/ TRUE COPY /

/09/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

TO

1.THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.



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2. THE INSPECTOR OF POLICE,
VIRUDHUNAGAR WEST POLICE STATION,
VIRUDHUNAGAR.

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

ORDER
IN
CRL OP(MD) No.16890 of 2023
Date :20/09/2023

ED/VRS(22/09/2023) 5P / 4C

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