



CRL OP(MD). No.17599 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/10/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

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1. Sakthivel

2. Karthi

3. Ganeshkumar

4. Vignesh ... petitioners/ Accused 7 to 10

Vs

The State rep.by,
The Inspector of Police,
Dindigul Taluk Police Station,
Dindigul District.
Crime No.439 of 2023..

... Respondent/Respondent/
Complainant

For petitioners : M/s.Suresh M,
Advocate.

For Respondent : Mr.R.M.S. Sethuraman,
Additional Public Prosecutor

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



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WIPRAYER:-

For Bail in Crime No.439 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as accused Nos.7, 8, 10 and 11, were arrested and remanded to judicial custody on on 10.08.2023 for the alleged offence punishable under Sections 147, 148, 294(b), 302, 449 IPC @ 147, 148, 449, 294(b), 302 and 120(B) IPC in Crime No.439 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 07.08.2023, the petitioners herein and other accused have criminally trespassed into the house of the defacto complainant with deadly weapons and murdered the husband of the defacto complainant viz., Irulappan @ Rasu. Hence, the complaint.

3. The learned counsel appearing for the petitioners would contend that based on the confession of A1 viz., Rengamoorthy, the petitioners herein are arrayed as accused. He would further submit that there is no specific averments made against these petitioners. He further contended that in the absence of any over tact, they are in judicial custody from 10.08.2023 and hence, seeks bail.



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4. The learned Additional Public Prosecutor appearing for the respondent Police admitted that these petitioners have been arrayed as accused only based on the confession of A1. Apart from the confession, there is no specific overt act attributed against these petitioners and they are in judicial custody from 10.08.2023. He would further submit that if the petitioners are released on bail there is a chance for absconding and therefore, he strongly objected to grant bail to the petitioners.

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

6. On reading of the First Information Report it is seen that the case has been registered based on the complaint given by one Hemalatha, against A1 viz., Rengamoorthi and five others for the murder of her husband viz., Irulappan @ Rasu. On the date of alleged occurrence i.e., on 07.08.2023, the other accused persons repeatedly asked the complainant's husband for commission of Rs.50,000/-. Since the deceased was not able to pay the same, the other accused persons came to the house of the deceased at 3.00 p.m., with sword and knife and at that time, the defacto complainant was taking water from the Corporation pipe, the accused persons have assaulted the deceased and that he died on spot. It is also noticed that, based on the confession of A1 only the petitioners herein are arrayed as accused and



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they were arrested and remanded to judicial custody from 10.08.2023.

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7. Considering the fact that based on the confession of A1 only the petitioners herein are arrayed as accused and that there is no specific overt act attributed against these petitioners and so far no materials have been collected against these petitioners, this Court is inclined to grant bail to the petitioners, subject to the following conditions:

[a] Accordingly, the petitioners are ordered to be released on bail on condition to execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Dindigul, and on further conditions that:

(ii) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(iii) the petitioners shall appear before respondent police once in a month i.e., on first working day of every English Calendar month at 10.30 am until further orders;



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(iv) the petitioners shall not tamper with evidence or witness;

(v) the petitioners shall not abscond during trial.

vi) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

vii) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
03/10/2023

/ TRUE COPY /

03/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

trp

TO

1. THE JUDICIAL MAGISTRATE NO.I, DINDIGUL.

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



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2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL.

3. THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

4. THE INSPECTOR OF POLICE,
DINDIGUL TALUK POLICE STATION,
DINDIGUL DISTRICT.

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

ORDER
IN

CRL OP(MD) No.17599 of 2023

Date :03/10/2023

RK (03/10/2023) 6P /6C

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