



CRL OP(MD)No.18304 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 31.10.2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

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1.Hariharan

2.Sivaprakash

... Petitioners/ Accused- 4 & 5

Vs

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

... Respondent/ Complainant

For Petitioners : Mr.M.Vivekananthan,  
for M/s.Balakrishnan.T, Advocate

For Respondent : Mr.RMS.Sethuraman,  
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 petitioners, who were arrested and remanded to judicial custody on 04.08.2023 for the alleged offence punishable under Sections 147, 148, 452, 294(b), 307, 324, 427, 506(2) 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 there was previous enmity between the deceased namely, Kumaravel ad accused persons and the deceased was implicated in the murder case of one Vineeth, who is the son of A1 and subsequently, his name was removed. Aggrieved over the same, on 25.07.2023, at about 04.45 pm., when the deceased, defacto complainant, and his son were in their office, the accused persons trespassed into their office and tried to assault the deceased with deadly weapons and damaged the articles. The deceased and the son of the defacto complainant sustained grievous injuries and deceased died. Hence the case.

3.The learned counsel appearing for the petitioners would contend that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. He would further submit that the petitioners are sons of A3 and they are not present in the place of occurrence. They have been implicated based on the



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averment made by the defacto complainant with motive. He would also submit that

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the petitioners are in custody from 14.09.2023, hence he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that there is retaliation murder and if bail is granted to the petitioners, they will cause threat to the witnesses and hence, he strongly objected to grant bail to the petitioners. However, he would fairly concede that there is no previous case pending as against the petitioners.

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

6.Considering the facts and circumstances and considering the period of incarceration and also taking into consideration of the principle stated by the Honourable Supreme Court in *Sanjay Chandra and others vs. CBI* reported in (2012)1 SCC 40, this Court is inclined to grant bail to the petitioners, subject to the following conditions:

[i] Accordingly, the petitioners are ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two



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sureties each for a like sum to the satisfaction of the learned Judicial Magistrate

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No.1, Virudhunagar 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 stay at Chennai and report before the Inspector of Police, Esplanade Police Station, Chennai daily at 10.30 am., until further orders.

(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].



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

sd/-  
31/10/2023

/ TRUE COPY /

31/10/2023  
Sub-Assistant Registrar (C.S. )  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

GNS

TO

- 1 THE JUDICIAL MAGISTRATE NO.I  
VIRUDHUNAGAR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE  
VIRUDHUNAGAR WEST POLICE STATION,  
VIRUDHUNAGAR DISTRICT.
- 4 THE SUPERINTENDENT,  
CENTRAL PRISON, MADURAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

COPY TO:  
THE INSPECTOR OF POLICE,  
ESPLANADE POLICE STATION, CHENNAI.



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+1 CC to M/s.T.BALAKRISHNAN, Advocate ( SR-15687[I] dated 31/10/2023 )

ORDER  
IN  
CRL OP(MD) No.18304 of 2023  
Date :31/10/2023

SS/SAR- /31/10/2023/6P/8C

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