



CRL OP(MD). No.18872 of 2023

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

Date : 07/11/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

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Amirtharaj

... Petitioner/ Accused No.7

Vs

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

... Respondent/Complainant

For Petitioner : Mr.Ramasamy S,
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.

ORDER : The Court made the following order :-

The petitioner/ 7th accused herein, who was arrested on 04.08.2023 for the alleged offences under Sections 120(B), 147, 148, 452, 294(b), 307, 324, 427, 506(ii) and 302



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IPC, in Crime No.155 of 2023 on the file of the respondent Police, seek bail.

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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 open 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. 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 petitioner has filed CrI.O.P(MD).No.16765 of 2023 before



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this Court, considering the gravity of the offence and the same was dismissed by this Court on 15.09.2023.

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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. He further submitted that on the date of alleged occurrence he was not present in the place of occurrence and the some of the co-accused were arrested and thereafter released on regular bail.

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 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. He further submitted that only at the instigation of the petitioner only, the present



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occurrence is said to have taken place and also submitted that in this case, the investigation has been completed and the final report was filed before the concerned Court and the same was taken on file.

6.Considering the period of incarceration and also the fact that the final report has been filed before the concerned Court, this Court is inclined to grant bail to the petitioner with stringent conditions.

7.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Virudhunagar, and on further condition that the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

sd/-

07/11/2023

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07/11/2023

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

TTA

TO

1 THE JUDICIAL MAGISTRATE NO.I
VIRUDHUNAGAR.



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2 DO-THROUGH :

THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

4 THE INSPECTOR OF POLICE
VIRUDHUNAGAR WEST POLICE STATION,
VIRUDHUNAGAR DISTRICT

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

+1 CC to M/s.S.RAMASAMY, Advocate (SR-16026[I] dated 07/11/2023)

ORDER

IN

CRL OP(MD) No.18872 of 2023

Date :07/11/2023

SS/SAR- /07/11/2023/5P/7C

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