



CRL OP(MD). No.19344 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26.10.2023

PRESENT

The Hon`ble Mr.Justice R.SAKTHIVEL

CRL OP(MD). No.19344 of 2023

1. Madhavan

2. Rajapandi

3.Veerapandi

4.Anbalagan

... Petitioners / Accused No.2 to 5

Vs

The State rep.by,
The Inspector of Police,
Thiruchuli Police Station,
Virudhunagar District.
(Crime No.208 of 2023).

... Respondent/Complainant

For Petitioner : Mr.S. Poornachandran, Advocate

For Respondent : Mr.A. Thiruvadikumar
Additional Public Prosecutor

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



CRL OP(MD). No.19344 of 2023

WIPRAYER:-

For Bail in Crime No. 208 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners / Accused Nos.2 to 5 herein, who were arrested and remanded to judicial custody on 03.10.2023 for the alleged offence under Section 302 @ 147, 302 and 201 IPC in Crime No.208 of 2023, on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 25.09.2023 at about 2.00 pm A1 and the deceased consumed liquor and went to the garden of A1 and at that time, there was a wordy quarrel arose between them and in that quarrel, A1 assaulted the deceased with wooden log and thereby, caused death to him. In order to disappear the body of the deceased, thrown the body of the deceased near railway line with the help of the other accused, namely, A.2 to A.5. Hence, the case.

3.The learned counsel for the petitioners submitted that the petitioners are innocent and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case. He further submitted that



CRL OP(MD). No.19344 of 2023

WEB COPY

according to the prosecution case, the petitioners had screened and hidden the dead body. The petitioners are in judicial custody for the past 23 days. Accordingly, he prayed to allow the petition.

4. The learned Additional Public Prosecutor submitted that while consuming liquor, A1 attacked the deceased and had committed the murder of the deceased. He further submitted that the petitioners herein were screening the dead body along with A.1. He further submitted that the occurrence happened within the limit/jurisdiction of Aruppukkottai Police Station, but, the dead body was found in the limit/jurisdiction of Thiruchuli Police Station. Hence, the case file shall go to Aruppukkottai Taluk police station. In this regard, steps are being taken and the process is going on. He further submitted that investigation of the case is almost completed and investigating agency is awaiting for chemical analysis report.

5. Heard on both sides. This Court has perused the records.

6. According to the prosecution, A1 committed the murder and the petitioners herein were causing disappearance of evidence of offence and screening the offender.



CRL OP(MD). No.19344 of 2023

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7. The petitioners are in judicial custody for the past 23 days. Considering the nature of the overt act attributed against the petitioners and that the investigation of the case is almost completed, this Court is inclined to grant bail to the petitioner.

8. Accordingly, this Criminal Original Petition is allowed subject to the following conditions:

(i) The petitioners are ordered to be released on bail, on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Thiruchuli;

(ii) The petitioners shall appear and sign before the respondent police daily at 10.30 a.m. and 5.30 pm until further orders;

(iii) The petitioners shall not cause threat to the defacto complainant and witnesses; and



CRL OP(MD). No.19344 of 2023

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(iv) On breach of any of the aforementioned conditions, the learned Magistrate is entitled to pass appropriate orders against the petitioners in accordance with law as if the aforementioned conditions are imposed by themselves as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005)13 SCC 283].

sd/-
26/10/2023

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27/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

trp

TO

1. THE JUDICIAL MAGISTRATE, THIRUCHULI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT @ SRIVILLIPUTHUR.
3. THE INSPECTOR OF POLICE,
THIRUCHULI POLICE STATION, VIRUDHUNAGAR DISTRICT.
4. THE OFFICER IN CHARGE,
DISTRICT PRISON, VIRUDHUNAGAR.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



CRL OP(MD). No.19344 of 2023

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THE INSPECTOR OF POLICE,
ARUPPUKOTTAI POLICE STATION,
ARUPPUKOTTAI.

ORDER
IN
CRL OP(MD) No.19344 of 2023
Date :26/10/2023

RK (27/10/2023) 6P / 7C

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