



CRL OP(MD). No.19841 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/11/2023

PRESENT

The Hon`ble Mr.Justice P. VADAMALAI

CRL OP(MD). No.19841 of 2023

Vasanthakumar,

... Petitioner/ Accused No.6

Vs

**State Rep.by
The Inspector of Police,
Vachakarapatti Police Station,
Virudhunagar District.
Crime No.176/2023..**

... Respondent/Complainant

**For Petitioner : Mr.G.Vishnuram,Advocate.
For Respondent : Mr.R.M.S.Sethuraman,
Additional Public Prosecutor**

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

PRAYER :-

For Bail in Crime No.176/2023 on the file of the respondent police.

ORDER : The Court made the following order :-

**The petitioner /A6 who was arrested and remanded to judicial custody on
30.08.2023 for the offence under sections 201 and 302 of IPC @ Sections 147,148,201**



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and 302 of IPC in Crime No.176 of 2023 on the file of the respondent police seeks bail.

2. The case of the prosecution is that due to previous enmity the petitioner herein along with other accused murdered the deceased and thrown the the body of the deceased into the well, hence the case.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him. He would further submit that the petitioner has been implicated as an accused based on the confession given by A1 and he has not committed any offence as alleged by the prosecution. He would further submit that co -accused were granted bail by the Sessions Court. He would further submit that the petitioner is in custody from 30.08.2023, hence he seeks bail.

4. The learned Additional Public Prosecutor would submit that due to previous enmity the petitioner herein along with other accused murdered the deceased and thrown the body of the deceased into the well,hence he objected to grant bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case and also the fact that co-accused were granted bail by the trial Court and also taking into consideration the period of incarceration this court is inclined to grant bail to the

petitioner, subject to the following conditions:

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



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[a] Accordingly, the petitioner is ordered to be released on bail on condition to execute 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 No.I, Virudhunagar and on further conditions that:

[b] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

[c] the petitioner shall report before the respondent police daily at 10.30 A.M., until further orders.

[d] the petitioner shall not commit any offences of similar nature.

[e] the petitioner shall not abscond either during investigation or trial.

[f] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[g] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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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[h] If the accused thereafter absconds, a fresh FIR can be registered under Section

229A IPC.

sd/-
06/11/2023

/ TRUE COPY /

06/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV
TO

- 1 THE JUDICIAL MAGISTRATE NO.I
VIRUDHUNAGAR
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT @ SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE
VACHAKARAPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4 THE OFFICER INCHARGE
DISTRICT PRISON, VIRUDHUNAGAR
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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+1 CC to M/s.G.VISHNURAM, Advocate (SR-15961[I] dated 06/11/2023)

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ORDER
IN

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Date :06/11/2023

PKP/06.11.2023/ 5P/7C

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