



CRL OP(MD). No.952 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 19/01/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.952 of 2024

Kannisamy

... Petitioner/ Accused No.5

Vs

The State represented by its  
The Inspector of Police,  
Aviyur Police Station,  
Virudhunagar District.  
Crime No.149 of 2023

... Respondent/Complainant

For Petitioner : Mr.M.Jegadeesh Pandian,Advocate.  
For Respondent : Mr.B.Nambiselvan,  
Additional Public Prosecutor.

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

PRAYER :-

For bail in Crime No.149 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner / A5, who was arrested and remanded to judicial custody on

28.11.2023 for the offence under Sections 147, 294(b) 324, 307 of IPC @ 147, 294(b), 324,  
<https://www.mhc.tn.gov.in/judis>



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447 and 302 of IPC, in Crime No.149 of 2023 on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that the deceased made a call to the first accused's wife and also misbehaved with her. Due to which, all the accused persons joined together and attacked the deceased and thereafter, administering poison. Thereafter, the deceased admitted to the hospital and he lost his life after six days of treatment. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. He would further submit that this is the second bail petition. Earlier bail petition filed by the petitioner in CrI.OP(MD)No.23166 of 2023 was dismissed by this Court on 04.01.2024 on the ground that the petitioner is having 5 previous cases. In fact, 4 cases are pending against the petitioner. Out of which, 2 cases are ended in acquittal and 2 cases only pending against him. That are not in heinous nature. Further, the petitioner is in judicial custody from 28.11.2023 and the other co-accused were released on bail by this Court on 04.01.2024. Hence, he prays

for bail.

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4. The learned Additional Public Prosecutor appearing for the respondent did not dispute the submission made by the learned counsel for the petitioner.

5. Considering the facts and circumstances of the case and also considering the facts that out of 4 cases, 2 cases are ended in acquittal and other 2 cases are not in heinous nature and the other co-accused were released on bail by this Court, this court is inclined to grant bail to the petitioner, subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail on his 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.II, Virudhunagar District, and on further conditions that:

(a) 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;

(b) the petitioner is directed to appear before the respondent police daily at 10.30 a.m., for a period of 2 weeks and thereafter, until further orders.

(c) the petitioner shall not tamper with evidence or witness either during

investigation or trial;

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(d) the petitioner shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned 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]; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-  
22/01/2024

/ TRUE COPY /

22/01/2024  
Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

DSS  
TO

- 1 THE JUDICIAL MAGISTRATE NO.II  
VIRUDHUNAGAR DISTRICT.
- 2 DO THROUGH:  
THE CHIEF JUDICIAL MAGISTRATE,  
VIRUDHUNAGAR DISTRICT @ SRIVILLIPUTHUR.



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3 THE INSPECTOR OF POLICE  
AVIYUR POLICE STATION,  
VIRUDHUNAGAR DISTRICT.

4 THE OFFICER INCHARGE  
DISTRICT PRISON, VIRUDHUNAGAR.

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

+1 CC to M/s.M.JEGADEESH PANDIAN, Advocate ( SR-853[I] dated 22/01/2024 )

ORDER  
IN  
CRL OP(MD) No.952 of 2024  
Date :22/01/2024

PKP/22.01.2024/ 5P/ 7C

Madurai Bench of Madras High Court is issuing certified  
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