



CRL OP(MD).No.6309 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10.06.2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

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1. Thirupathi
2. Balaji

... Petitioner/ Accused No.7 & 8

Versus

State Rep. by
The Inspector of Police,
Keelavalavu Police Station,
Madurai District.
In Crime No.28 of 2024

... Respondent/Complainant

For Petitioners : Mr.K.Sathish Kumar
Advocate

For Respondent : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C.

PRAYER :-

For Anticipatory Bail in Crime No.28 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, apprehending arrest at the hands of the respondent Police, in



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connection with a case in Crime No.28 of 2024, for the offence under Sections 109, 341, 342, 364, 302 and 201 IPC, have filed this petition seeking anticipatory bail.

2. The defacto complainant is the wife of the deceased. The petitioners herein have been arrayed as A7 and A8. A5 is the brother of A4. A4 is the wife of A1. Earlier, A4 was married to the brother of the deceased and they were not having any child. Since the first husband of A4 died, she married A1. Even after the second marriage, they are not having any child. Therefore, the deceased had abused A4 and A1, due to which, the accused persons abducted the deceased and committed murder. Hence, the case.

3. The learned counsel appearing for the petitioners submits that the 1st petitioner is the father of A4 and the 2nd petitioner is the father of A5. The allegation as against the petitioners is that they have instigated A1 to commit murder. But, they did not instigate A1 to commit murder, however, they have been falsely implicated in this case. He further submits that the main allegation is against A1 to A3 and this Court has also granted bail to A4, A5 and A6 in Crl.O.P.(MD)Nos.4445 of 2024 and 4444 of 2024 on 08.04.2024. Therefore, he prays for grant of anticipatory bail to the petitioners.



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4. The learned Additional Public Prosecutor opposes for grant of bail stating that the murder was committed in a cruel manner and the head of the deceased was severed.

5. Though allegations are made against the petitioners, the Investigating Agency has not collected any materials as against the petitioners that they have abducted the deceased and murder has been committed by A1 to A3.

6. Considering the nature of offence and also considering the fact that A4, A5 and A6 have already been granted bail, this Court is inclined to grant anticipatory bail to the petitioners.

7. Accordingly, this Criminal Original Petition is ordered and the petitioners are ordered to be released on bail in the event of arrest or on their appearance within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate on condition that

(i) the petitioners execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand) each, with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Melur.



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(ii) The petitioners and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the government in proof of their residence address;

(iii) The petitioners shall appear before the respondent Police daily at 10.30 a.m. until further orders. They have to co-operate for the investigation.

(iv) The petitioners shall not misuse the liberty granted to them by indulging in any further offence and shall not tamper with the prosecution witnesses.

(v) On violation of any of the above conditions by the petitioners, the respondent police shall move an application for cancellation of the anticipatory bail.

sd/-
10/06/2024

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/06/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

OGY

TO

1 THE JUDICIAL MAGISTRATE
MELUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.



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3 THE INSPECTOR OF POLICE
KEELAVALAVUR POLICE STATION, MADURAI DISTRICT.

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

+1 CC to M/s.K.SATHISH KUMAR, Advocate (SR-6347[I] dated 11/06/2024)

ORDER
IN
CRL OP(MD) No.6309 of 2024
Date :10/06/2024

SS/GS/SAR- /18/06/2024/5P/6C

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