



CRL OP(MD). No.7406 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22.05.2024

PRESENT

The Hon`ble Mrs.Justice S.SRIMATHY

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Arun

... Petitioner/ Accused No.3

versus

The Inspector of Police,
Malli Police Station,
Virudhunagar District.
(Crime No.46/2024)

... Respondent/Complainant

For Petitioner : Mr.G.Thiruvartselvan, Advocate

For Respondent : Mr.A.Thiruvadi Kumar, Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.46/2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A3, who was arrested and remanded to judicial custody on 18.03.2024 for the offences under Sections 147, 148, 341, 294(b), 324, 506(ii), 302, 120(B) IPC, in Crime No.46 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that there was a previous enmity existed between the deceased and the accused in respect of murder of one Santhanakumar. In continuation to that, on 18.03.2024, at about 5.15 p.m, the deceased went to a tea shop for taking tea at Sivakasi Main Road, Arunachalapuram Vilakku and when he was returning near at Kammaikarai Madai, the accused formed themselves into an



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unlawful assembly, assaulted the deceased with deadly weapons and thereby caused death to him. Hence, the case.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. However, he has been languishing in jail from 18.03.2024. Hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the State would submit that investigation was completed and charge sheet has also been filed before the jurisdictional Court.

5. Considering the facts and circumstances of the case and also taking note of the period of incarceration and also considering the fact that the charge sheet has been filed before the jurisdictional Court, this court is inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition is ordered and 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 learned Judicial Magistrate No.II, Srivilliputtur 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



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Book to ensure their identity.

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[b] the petitioner shall stay at Trichy and report before the Inspector of Police, Trichy Cantonment Police Station daily at 10.30 a.m., for a period of three weeks and thereafter as and when required for interrogation.

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

[d] the petitioner shall not tamper with evidence or witness 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 is 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
22/05/2024

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22/05/2024

Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

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



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TO

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1 THE JUDICIAL MAGISTRATE NO.II, SRIVILLIPUTTUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTTUR.

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

4 THE SUPERINTEDENT, CENTRAL PRISON, MADURAI.

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

COPY TO

THE INSPECTOR OF POLICE

TRICHY CANTONMENT POLICE STATION, TRICHY DISTRICT.

+1 CC to M/s.G.THIRUVARUTSELVAN, Advocate (SR-5595[I] dated 22/05/2024)

ORDER

IN

CRL OP(MD) No.7406 of 2024

Date :22/05/2024

RS//SAR-(22.05.2024) 4P 8C

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