



CRL OP(MD). No.15482 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/09/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.15482 of 2024

1. Amirtha Sankar

2. Amitha Ra

... Petitioners/ Accused Nos.17&18

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Virudhunagar West Police Station,
Virudhunagar District.
(Crime No. 155/2023.)

... Respondent/Complainant

For Petitioners : M/s.Ramasamy S, Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

To enlarge the petitioners on bail in S.C No. 120 of 2024 on the file of the learned Addl District and Sessions Judge, Virudhunagar



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ORDER: The Court made the following order :-

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The petitioners/ A17 & 18, who are facing a case for the offence under Sections 120(B), 147, 148, 452, 294(b), 307, 324, 427, 506(ii) and 302 of IPC, in S.C No. 120 of 2024 on the file of the learned Addl District and Sessions Judge, Virudhunagar, in Crime No.155 of 2023 on the file of the respondent police, seek bail.

2.The case of the prosecution is that there was continuing rivalry between the deceased's side and the petitioners' side, since the brother of A12's son was murdered by the victim side, the petitioners instigated the other accused, who waylaid and murdered the deceased.

3. The learned Public Prosecutor, on instructions, would submit that this is the case where the parties are involved in murders repeatedly and therefore, bail should not be granted.

4. The learned counsel for the petitioners would submit that the petitioners is an innocent and they has been falsely implicated in this case. He would further submit that the first petitioner is in judicial custody from 28.07.2023 and the second petitioner is in judicial custody from 04.08.2023 and the similarly placed accused have been already granted bail.

5.Considering the overall facts and circumstances of the case that the similarly placed accused against whom also the allegation of conspiracy is made in the case



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have already been released on bail, I am inclined to enlarge the petitioners on bail.

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But, however, it is seen that the offence is heinous in nature and even in the and the parties are involving in retributory offences. In view thereof, the bail itself is granted on condition that at least for a minimum period of three months, the petitioners will stay outside, ie., Vellore District.

6. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Additional District and Sessions Judge, Virudhunagar.

(i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii)the petitioners shall stay at Vellore and shall report before the Inspector of Police, Vellore North Police Station, Vellore, daily at 10.30 am for a period of 90 days and thereafter as and when required for interrogation;

(iii) In the meanwhile, since S.C.No.120 of 2024 is pending before the learned Principal District Judge, Virudhunagar, for the dates of hearing, in the said case alone, the petitioners can come over to Virudhunagar and appear without fail on all dates of hearing. After attending the case, he should return back to Vellore. It is



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made clear that no relaxation of the condition for the period of three months will be entertained by this Court.

(iv)the petitioners shall not tamper with evidence or witness;

v)the petitioners shall not abscond during trial.

vi)On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].

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

sd/-
13/09/2024

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13/09/2024

Sub-Assistant Registrar (AD II)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS

To

1.The Additional District and Sessions Judge,
Virudhunagar.



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2.The Inspector of Police,
Virudhunagar West Police Station,
Virudhunagar District.

3.The Superintendent,
Central Prison, Madurai.

4.The Additional Public Proscutor,
Madurai Bench of Madras High Court, Madurai.

Copy to:

1.The Principal District Judge,
Virudhunagar.

2.The Inspector of Police,
Vellore North Police Station,
Vellore.

ORDER
IN
CRL OP(MD) No.15482 of 2024
Date :13/09/2024

ED/ /SAR- (13/09/2024) 5P / 7C

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