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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/11/2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD). No.19917 of 2024

1. Siva,

2. Isakki Muthu,

... Petitioners/ Accused Nos.2 & 4

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Alanganallur Police Station,
Madurai District.
Crime No. 230/2024..

... Respondent/Complainant

For Petitioners : Mr.B.Arun,
Advocate.

For Respondent : Mr.S.Ravi,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No. 230 of 2024 on the file of the respondent police.



ORDER : The Court made the following order :-

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The petitioners /Accused Nos.2 and 4, who were arrested and remanded to judicial custody on 13.06.2024 for the offence under Sections 147, 148, 341, 342, 506 (2), 302 of IPC in Crime No.230 of 2024 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the brother of Accused No.1 was murdered by the son of the defacto complainant. As a retaliation, six accused persons went to the place of the deceased and attacked him indiscriminately with aruval and as a result of which, he died. There are totally six accused persons in this case and the petitioners have been arrayed as Accused Nos.2 and 5.

3. The learned counsel appearing for the petitioners submitted that the petitioners were arrested in this case on 13.06.2024 and subsequently, detention order was passed in Act 14 of 1982. In view of the same, the earlier bail application that was filed in CrI.O.P.(MD).No.14747 of 2024 was dismissed on 04.09.2024. Subsequently, the detention order was revoked by the Board. He further submitted that the other accused persons have been enlarged on bail.



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4. Per contra, the learned Additional Public Prosecutor appearing for the respondent Police submitted that it is a case of retaliation murder where the deceased was done to death after he was indiscriminately attacked with dangerous weapons by the accused persons. He further submitted that there are three previous cases against the first petitioner (A2) and no previous case against the second petitioner (A5).

5. This Court has carefully considered the submissions made on either side and the materials available on record.

6. Taking into consideration the facts and circumstances of the case and the manner in which the incident had taken place and the fact that the investigation has already been completed in this case and the police report has been filed before the learned Judicial Magistrate, Vadapatti, which has been taken on file in P.R.C.No.60 of 2024, this Court is inclined to grant bail to the petitioners subject to the following conditions.

7. Accordingly, the petitioners are ordered to be released on bail on their

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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 Judicial Magistrate, Vadipatti, Madurai 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 petitioners shall appear before the trial Court on every date of hearing without fail.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 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].

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[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS, 2023.

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18/11/2024

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18 / 11/2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

- 1.The Judicial Magistrate, Vadipatti,
Madurai District.
2. The chief Judicial Magistrate, Vadipatti,
Madurai District.
- 3.The Officer incharge , District Prison, Theni.
- 4.The Inspector of Police,
Alanganallur Police Station,
Madurai District.



5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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ORDER
IN
CRL OP(MD) No.19917 of 2024
Date :18/11/2024

KB/18.11.2024 6P/6C

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