



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 29/03/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.5943 of 2023

Kodi Arasan

... Petitioner / Accused No.5

Vs

State represented by
The Inspector of Police,
Thiruparankundram Police Station,
Madurai District.
In Crime No.87 of 2023.

... Respondent / Complainant

For Petitioner : M/s.Arun B, Advocate.

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

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

PRAYER :-

For Bail in Crime No.87 of 2023 on the file of the Respondent Police.

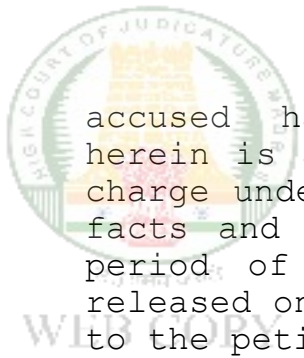
ORDER : The Court made the following order :-

The petitioner /A5 who was arrested and remanded to judicial custody on 10.02.2023 for the offences under sections 120(b),147 and 302 of IPC in Crime No.87 of 2023 on the file of the respondent police seeks bail.

2. The case of the prosecution is that due to previous enmity on 05.02.2023 A1 and A2 had assaulted the deceased and caused his death, thence the case.

3. Heard both sides and perused the materials available on record including the First Information Report. The learned Additional Public Prosecutor would submit that it is a sensitive murder and there is a law and order issue prevailing in that area.

4. It is seen that there are totally two named accused in the present case. After confession of the co-accused the other nine



accused has been implicated in this case, in which the petitioner herein is arrayed as A5. The petitioner has been implicated in the charge under section 120 (b) of IPC. Taking into consideration the facts and submissions made by the learned counsels and also the period of incarceration and also the fact that co-accused was released on bail by this Court, this court is inclined to grant bail to the petitioner, subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on bail on condition to execute 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.VI, Madurai and on further conditions that:

[b] 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.

[c] the petitioner shall stay at Chengalpattu and report before the Chengalapattu Police Station daily at 10.30 am., and 5.30 pm., for a period of four weeks and thereafter before the respondent police daily at 10.30 am., and 5.30 pm., for a period of four weeks.

[d] the petitioner shall not commit any offences of similar nature.

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

[f] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[g] On breach of any of the aforesaid conditions, the learned Judicial 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].

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

sd/-
29/03/2023

/ TRUE COPY /

29/03/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



To

1.The Judicial Magistrate No.VI,
Madurai.

2.Do through the Chief Judicial Magistrate,
Madurai District.

3.The Inspector of Police,
Thiruparakundram Police Station,
Madurai District.

4.The Officer Incharge,
District Jail,
Virudhunagar.

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

Copy to:

The Inspector of Police,
Chengalpattu Police Station,
Chengalpattu District.

+1 CC to M/s.B.ARUN, Advocate (SR-5031[I] dated 29/03/2023)

ORDER

IN

CRL OP(MD) No.5943 of 2023

Date :29/03/2023

ED/SBN/SAR- (29/03/2023) 3P 8C