



CRL OP(MD). No.18173 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/10/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

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Kodi @ J.Selvakodi

... Petitioner/ Accused

Vs

State Rep.by
The Inspector of Police,
Virudhunagar East Police Station,
Virudhunagar District.
Crime No. 91/2023.

... Respondent/ Complainant

For Petitioner : M/s.Jayaseelan K, Advocate.

For Respondent : Mr.R.M.S.Sethuraman, Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No. 91 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/ Accused, who was arrested and remanded to judicial custody on 18.08.2023 for the alleged offence punishable under Sections 147, 148, 307, 353, 450, 506(ii) of IPC in Crime No.91 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant is that he has been

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already arrested in a murder case for committing murder of one Chinnathambi. After arrest, the petitioner and his associates were kept in the prison. Due to injuries sustained, the defacto complainant and his associates were admitted in the hospital for treatment. At that time on 18.04.2023 at about 05.45p.m., the friends of deceased Chinnathambi entered the general ward of the hospital and assaulted and caused injuries and absconded. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the name of the petitioner does not found place in the First Information Report and no specific overt act has been attributed as against this petitioner. He would further submit that co-accused was released on bail. He would further submit that the petitioner is in jail from 18.08.2023, hence he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that it is a retaliation attack between two groups and the petitioner is having six previous cases. hence he objected to grant bail to the petitioner. He would further submit that the investigation has been completed and charge sheet has been filed before the concerned Court.

5. Taking into consideration the nature of allegations and also taking into consideration the period of incarceration and also taking into consideration the fact



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that the investigation has been completed and final report filed before the concerned Court and also taking into consideration the principle stated by the Honourable Supreme Court in Sanjay Chandra and others vs. CBI reported in (2012)1 SCC 40 and the nature of the offence alleged by the petitioner, this Court is inclined to grant bail to the petitioner.

6. 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.II, Virudhunagar and on further conditions that:

(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 petitioner shall appear before the trial Court on receipt of summons.

(iii) the petitioner shall not tamper with evidence or witness;

(iv) the petitioner shall not abscond during trial.

(v) 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 released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court



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in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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(vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
11/10/2023

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11/10/2023

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

AAV

TO

1 THE JUDICIAL MAGISTRATE NO.II, VIRUDHUNAGAR.

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

3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

4 THE INSPECTOR OF POLICE, VIRUDHUNAGAR EAST POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

+1. CC to M/S.JAYASEELAN K Advocate SR.No.47027[F]



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ORDER

IN

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Date :11/10/2023

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Madurai Bench of Madras High Court is issuing
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