



CRL OP(MD). No.15348 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11.09.2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

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1. Selvam
2. Aravind Raj @ Aravind @ Sevu
3. Vengateswaran @ Ventakesh

... Petitioners/ Accused No. 2,3,9

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
Virudhunagar West Police Station,
Virudhunagar District.
Crime No. 155/2023..

... Respondent/ Complainant

For Petitioners : Mr.Vijayaraja.J,
Advocate.

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

PETITION FOR BAIL Under Sec.483 of B.N.S.S. U/s 439 of Cr.P.C.

PRAYER :-

To release the petitioner on bail remanded in Judicial Custody in S.C.No. 120 of 2024 on the file of learned Additional District Judge, Virudhunagar in connection with Crime No. 155 of 2023 on the file of the Respondent police.



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ORDER : The Court made the following order :-

The petitioners/ Accused, who are facing a case for the offence under Sections 147, 148, 294(b), 324, 307, 427, 452, 302 and 506(ii) of IPC altered into Sections 114, 115, 143, 147, 148, 149, 201, 294(b), 342, 307, 324, 452, 302, 506(ii) and 120(b) of IPC, Section 3 of TNPPDL Act, 1992 and Section 4 of TNPHW Act, 2002 in crime No.155 of 2023 on the file of the respondent police, seeks bail.

2. Heard both sides.

3. Considering the nature of the allegations in this case that on account of a group rivalry, the petitioners' group and the defacto complainant's group are repeatedly involving in retributory murders and also considering the fact that the first petitioner is having one previous case, second petitioner is having twelve previous cases and the third petitioner is having fifteen previous cases, this case should be treated differently and normal rules of granting bail should be viewed differently.

4. However, only considering the facts that the petitioner is in custody from 28.07.2023, more than one year and two months are over and that the case is posted to 24.09.2024 for commencement of trial and some of the accused are having

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absconded and NBW having been issued against them and that there are totally 109 witnesses in this case, and therefore, the completion of the trial in the near future is not possible and at the same time, so as to safeguard the life and limbs of the petitioners himself and to keep tab on him also, this Court enlarge the petitioners on bail with certain conditions.

5.Considering the submission made by the learned Counsel for the petitioners that the petitioners would carry a mobile phone and keeping their location shared to the Investigation Officer and also considering the period of incarceration, this Court is inclined to grant bail to the petitioners on certain conditions.

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) with two sureties each for a like sum to the satisfaction of the learned Additional District 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 Sirkali, and report before the Sirkali Police



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Station daily twice at 10.30 a.m and 05.30 p.m for a period of six weeks and thereafter, for another period of six weeks daily at 10.30 a.m; It is made clear that no relaxation of the condition for the said period will be entertained by this Court;

(iii) the petitioners shall not leave the said place except for attending the hearings in court cases on which dates they have to specifically inform the concerned Sirkali Police.

(iv) As undertaken, an affidavit stating that the petitioners would carry a mobile phone and keeping their location shared to the Investigation Officer shall also be filed before the learned Magistrate concerned.

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

(vi) the petitioners shall not abscond during trial;

(vii) 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 petitioners released on bail by



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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];

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

sd/-
11/09/2024

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11/09/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1. The Additional District Judge,
Virudhunagar..
2. Do-Through The Chief Judicial Magistrate,
Viruthunagar District.
3. The Superintendent,
Central Prison,
Madurai..



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4. The Inspector of Police,
Virudhunagar West Police Station,
Virudhunagar District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC to M/s.J.VIJAYARAJA, Advocate (SR-11188[I] dated 11/09/2024)

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SL(11.09.2024)/ 6P/ 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.