



Crl.O.P.No.31823 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2025

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THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.31823 of 2024

Vijay @ Kodari

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Kelamangalam Police Station,
Krishnagiri District.
(Crime No.21 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail in
in P.R.C.No.09 of 2022 on the file of the learned District Munsif cum
Judicial Magistrate, Denkanikottai, in Crime No.21 of 2022.

For Petitioner : Mr.M.P.Saravanan

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER

Petition seeking bail in respect of P.R.C.No.09 of 2022 pending on
the file of the learned District Munsif cum Judicial Magistrate,
Denkanikottai, in connection with Crime No. 21 of 2022 registered for the
offences punishable under Section 302 of IPC, is on board for consideration.



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2. Learned counsel for the petitioner submits that the petitioner is an accused/A1 in P.R.C.No.09 of 2022 on the file of the learned District Munsif cum Judicial Magistrate, Denkanikottai. He further submits that the petitioner was regularly appearing before the trial court on all hearing dates, however, due to his illness, he was unable to appear before the trial court, thereby, the non bailable warrant was issued against him in the year 2022 and pursuant to the same, he was arrested on 24.11.2024. He also submits that the petitioner undertakes that he will appear before the trial Court on all hearing dates without fail and he will co-operate for speedy disposal of the trial. Hence, he prayed for grant of bail to the petitioner.

3. Learned Government Advocate (Crl.Side) appearing for the respondent, while objecting for grant of bail, submits that since the petitioner/A1 failed to appear before the trial Court in P.R.C.No.09 of 2022, the non-bailable warrant came to be issued against him in the year 2022 and the same was executed on 24.11.2024. He further submits that now the case has been committed to the Additional District Court, Hosur and numbered as S.C.No.136 of 2024. He also submits that one previous case is pending against the petitioner.



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4. Having heard the learned counsel for the petitioner, the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record and considering the period of incarceration undergone by the petitioner and that the case has been taken up for trial in S.C.No.136 of 2024 before the Additional District Court, Hosur, this Court is inclined to grant bail to the petitioner with certain conditions and accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties** (out of which, one surety should be a blood related surety of the petitioner), each for a like sum to the satisfaction of the learned **District Munsif cum Judicial Magistrate, Denkanikottai**, 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 petitioner shall appear before the learned Additional District Judge, Hosur, on all working days at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond during trial and shall co-operate for speedy disposal of the trial;



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[d] the petitioner shall not tamper with evidence or witness during trial;

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

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

08.01.2025

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To

1. The Additional District Judge, Hosur.
2. The District Munsif cum Judicial Magistrate, Denkanikottai.
3. The Inspector of Police, Kelamangalam Police Station, Krishnagiri District.
4. The Superintendent, Central Prison, Salem.
5. The Public Prosecutor, High Court of Madras.

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