



CRL OP(MD). No.18684 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/11/2024

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL OP(MD). No.18684 of 2024

Vallarasu

... Petitioner/ Accused No.2

Vs

The State of Tamil Nadu,
Rep By, The Inspector of Police,
Austinpatti Police Station,
Madurai District.
Cr.No.297/2023..

... Respondent/Complainant

For Petitioner : Mr.Muthu Saran Sundaresh

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Cr.No.297/2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial



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custody on 29.05.2024 for the offences under Sections 302 and 394 of IPC in Crime

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No.297 of 2023 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that when the defacto complainant and the deceased were walking on the road, the petitioner and the other accused came in a two wheeler and they are said to have attempted to snatch the mobile phone at knife point. When the deceased resisted, they stabbed him with knife and robbed the mobile phone. When the defacto complainant tried to save the deceased, he was also stabbed. The public gathered and on seeing them, the accused persons fled away from the scene of occurrence. There are totally 3 accused persons in this case and the petitioner has been arrayed as A1.

3.The petitioner had filed earlier bail petition in Crl.O.P(MD) No.15491 of 2024 and this Court considering the facts and circumstances of the case and considering the fact that there were two previous cases pending against him under NDPS Act, was not inclined to enlarge the petitioner on bail. This Court also directed the trial Court to frame charges as expeditiously as possible.

4.The present bail petition was filed on the ground that there was absolutely no progress in this case and that the petitioner is in incarceration from 29.05.2024.



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5. When the matter came up for hearing on 05.11.2024, this Court passed the following order:

“When the matter was taken up for hearing, learned Additional Public Prosecutor appearing for the respondent Police submitted that pursuant to the earlier order passed on 13.09.2024, the copies were served to the accused persons and the case has also been committed and it is now pending before the learned I Additional Sessions Judge, Madurai in S.C.No.481 of 2024 and the case is now at the stage of framing of charges. Learned Additional Public Prosecutor further submitted that the matter stands posted on 11.09.2024 and there is a delay in framing the charges, since the petitioner has not engaged any counsel till now.

2. In the considered view of this Court, the petitioner has to immediately take steps to engage a counsel and once the charges are framed, this Court will consider enlarging the petitioner on bail by imposing certain conditions.

3. Registry is directed to post this petition on **14.11.2024.**”

6. The matter was once again taken up for hearing on 14.11.2024 and the following order was passed:

“The learned counsel for the petitioner submitted that the petitioner had engaged a counsel and he represented the petitioner when the matter came up for hearing on



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11.11.2024. He further submitted that when the matter came up on 11.11.2024, the matter was listed before the learned in-charge Judge and therefore, the charges were not able to framed and the matter is listed on 25.11.2024. Steps shall be taken to get the charges framed on that day.

2. Post this matter on 27.11.2024.”

7. When the matter came up for hearing today, the learned Additional Public Prosecutor submitted that presently the cases of learned I Additional Sessions Court, Madurai is taken care by the in-charge Judge and therefore, he is not in a position to frame the charges. Accordingly, the matter now stands posted on 09.12.2024.

8. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

9. In the considered view of this Court, the other two co-accused have been enlarged on bail and this petitioner has suffered incarceration from 29.05.2024 and the earlier bail petition was dismissed on considering the facts and circumstances of the case and also considering the fact that the case has been



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committed and it is pending before the I Additional Sessions Judge, Madurai in S.C.No.481 of 2024. Due to the vacancy of the post, the Court is being managed by the in-charge Judge and the charges have not been framed in this case and it is being adjourned from time to time.

10.This Court taking into consideration the facts and circumstances of the case and considering the fact that there are two previous cases against the petitioner for the offence under NDPS Act and the long incarceration undergone by the petitioner and the matter is now pending at the stage of framing of charges, this Court is inclined to grant bail to the petitioner subject to the following conditions.

11. Accordingly, the criminal original petition is ordered and the petitioner is 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 *Judicial Magistrate, Thirumangalam*, 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;



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[b] the petitioner shall report before the learned I Additional Sessions Judge, Madurai daily at 10.30 a.m., until further orders;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioner 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 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 BNS Act.

sd/-
27/11/2024

/ TRUE COPY /

27/11/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNM
TO

1 THE I ADDITIONAL SESSIONS JUDGE, MADURAI.



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2 THE JUDICIAL MAGISTRATE
THIRUMANGALAM.

3 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.

4 THE INSPECTOR OF POLICE,
AUSTINPATTI POLICE STATION,
MADURAI DISTRICT.

5 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI.

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

+1 CC to M/s.P.THANGA PRITHVIRAJAN, Advocate (SR-14564[I] dated
27/11/2024)

ORDER
IN

CRL OP(MD) No.18684 of 2024

Date :27/11/2024

SS/SAR- /27/11/2024/ 7P/8C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023