



CRL OP(MD). No.19621 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/11/2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

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Ayyappan ... Petitioner/ Accused No.2

Vs

The State of Tamil Nadu,
Rep By,
The Inspector of Police,
Kottar Police Station,
Cr.No.34/2024..

... Respondent/ Complainant

For Petitioner : Mr.S.Prabha,
Advocate.

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

To enlarge the petitioner on bail in S.C.No.255 of 2024 on the file of the learned Addl Sessions Judge(Fast Track Court), Kanniyakumari District at Nagercoil in

<https://www.mhc.tn.gov.in/judis>



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Cr.No.34 of 2024 pending investigation on the file of the respondent police.

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ORDER : The Court made the following order :-

The petitioner / Accused No.2, who was arrested and remanded to judicial custody on 20.01.2024 and was facing trial for the offences under Sections 448, 294 (b), 323, 307, 506(ii) IPC r/w 34 of IPC in S.C.No.255 of 2024, on the file of the learned Additional Sessions Judge (Fast Track Court), Kanyakumari District at Nagercoil, seeks bail.

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

3. The incident is of the year 2024 and the petitioner was arrested and remanded to judicial custody on 20.01.2024. Thereafter, he was released on bail on 31.03.2024. When the case was at the committal stage, the petitioner failed to appear before the Court and Non Bailable Warrant was issued against him on 25.07.2024. Pursuant to the same, the petitioner was arrested and produced before this Court on 07.08.2024 and he is in judicial custody. The case has now been committed to the learned Principal Sessions Judge, Kanyakumari and it is pending in S.C.No.255 of

<https://www.mhc.tn.gov.in/judis>



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2024 and the case is yet to be made over to the learned Additional Sessions Judge.

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4. The learned Additional Public Prosecutor appearing on behalf of the respondent Police on instructions submitted that there are five previous cases against the petitioner and that there are two accused persons in this case and the petitioner has been arrayed as Accused No.2.

5. Taking into consideration the facts and circumstances of the case and also considering the fact that the case is of the year 2024 and the petitioner was absent for one hearing which resulted in his arrest and the petitioner is in judicial custody from 07.08.2024, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail on his 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 No.II, Nagercoil, Kanyakumari District 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



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Book to ensure their identity.

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[b] the petitioner shall appear before the learned Principal Sessions Judge, Kanyakumari daily at 10.30 A.M. and after the case is made over to the concerned Court, he shall appear before the concerned Court during every date of hearing without fail.

[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 229A IPC.

sd/-
13/11/2024

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

TSG



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TO COPY

- 1.The Judicial Magistrate No.II,
Nagercoil, Kanyakumari District.
- 2.The Chief Judicial Magistrate, Kanyakumari.
- 3.The Principal Sessions Judge, Nagercoil.
- 4.The Superintendent, District Prison, Nagercoil.
- 5.The Inspector of Police,
Kottar Police Station,
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai

ORDER
IN
CRL OP(MD) No.19621 of 2024

Date : 13/11/2024

KB(13.11.2024)/ 5P/ 7C

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