



CRL OP(MD). No.20397 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 22/11/2024

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

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Mathan

... Petitioner/ Accused No.1

Vs

The State of Tamil Nadu,  
Rep. by the Inspector of Police,  
Authoor Police Station,  
Thoothukudi District.  
In Cr. No. 241 of 2021.

... Respondent/ Complainant

For Petitioner : Mr.K Ramar,

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No. 241 of 2021 on the file of the Respondent Police.



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ORDER: The Court made the following order :-

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The petitioner/A1, who was arrested and remanded to judicial custody on 02.09.2024 for the offences under Sections 8(c) r/w Section 20(b)(ii)(B) of NDPS Act in Crime No.241 of 2021 on the file of the respondent police, seeks bail.

2. The petitioner along with three other accused persons are facing trial before the Court below for the offence under Section 8(c) r/w Section 20(b)(ii)(B) of NDPS Act. The petitioner has been arrayed as A1.

3.The petitioner did not attend the hearing on 29.08.2024 and Section 317 Cr.P.C., petition was filed, which was rejected and non bailable warrant was issued against the petitioner. The petitioner appeared before the Court on 02.09.2024 to recall the non bailable warrant. The application was dismissed and the petitioner was remanded to judicial custody.

4. Heard the learned Counsel appearing on either side.

5.It is brought to the notice of this Court that on 23.07.2024, copies were issued



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to the accused persons. The matter was posted on 30.07.2024 and none of the accused persons appeared and therefore, the charges were not able to be framed. Thereafter, A2 was arrested in some other case. He alone was produced before the Court on 06.08.2024 and the other three accused persons filed an application under Section 317 Cr.P.C, which was allowed. Once again the case was posted on 29.08.2024, on which date, three accused persons once again filed an application under Section 317 Cr.P.C. The said application was dismissed and non bailable warrant was issued against A1, A3 and A4. Since A2 was in custody in some other case, he was produced before the Court on that date. The petitioner along with A3 and A4 filed an application for recalling the non bailable warrant and on 02.09.2024, the application was dismissed and all the three accused persons were remanded to judicial custody. Subsequently, on 26.09.2024, the charges were framed.

6.As on today, A3 is still in judicial custody. A4 was enlarged on bail by this Court by an order, dated 28.10.2024 passed in CrI.O.P(MD)No.18613 of 2024. The petitioner is facing incarceration from 02.09.2024.

7.The learned Additional Public Prosecutor appearing for the respondent police submitted that there are four previous cases pending against the petitioner for IPC offence, out of the same, one case is a murder case.



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8. Taking into consideration the facts and circumstances of the case and considering the fact that A4, who was similarly placed was enlarged on bail by this Court and the petitioner undertaking before this Court that he will appear before the Court below during every date of hearing without fail and also considering the previous cases pending against the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions.

9. 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 **Communal Clash Cases Court, Madurai** 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 Court below during every hearing date without fail.

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



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[d] the petitioner shall not abscond either during investigation or trial.

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[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 BNS 2023.

[g] if the petitioner does not co-operate for progress in the trial and adopts dilatory tactics by not appearing before the Court, the Court below can proceed further to cancel the bail and thereafter, the petitioner will not be granted bail till the completion of the proceedings.

sd/-  
22/11/2024

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22/11/2024  
Sub-Assistant Registrar ( )  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

LR  
TO

1 THE JUDGE,  
COMMUNAL CLASH CASES COURT, MADURAI.



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2 THE OFFICER INCHARGE,  
DISTRICT PRISON, THOOTHUKUDI.

3 THE INSPECTOR OF POLICE,  
AUTHOOR POLICE STATION,  
THOOTHUKUDI DISTRICT.

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

+1 CC to M/s.K.RAMAR, Advocate ( SR-14402[I] dated 22/11/2024 )

ORDER  
IN

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Date :22/11/2024

SS/SAR- /21/11/2024/ 6P/6C

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