



CRL OP(MD). No.20050 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/11/2024

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL OP(MD). No.20050 of 2024

Shankar @ Kuttai Shankar,

... Petitioner/ Accused No.4

Vs

State of Tamil Nadu Rep. By,
The Inspector of Police,
Manamadurai Police Station,
Sivagangai District,
In Cr. No. 10/2021.

... Respondent/Complainant

For Petitioner : Mr.K.Suyambulingabharathi,
Advocate.

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- To enlarge the petitioner/accused No.4 on BAIL in connection with the S.C. No. 209/2024 on the file of the learned Principal District and Sessions Judge, Sivagangai in Crime No. 10/2021 on the file of the respondent police and thus render justice.



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ORDER: The Court made the following order :-

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The petitioner / Accused No.4, who was arrested and remanded to judicial custody on 04.09.2024 and was facing trial for the offences under Sections 341, 307, 302, 147, 148, 120(b), 324, 326, 149, 114 of IPC in S.C. No. 209/2024 on the file of the learned Principal District and Sessions Judge, Sivagangai, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused persons formed themselves into an unlawful assembly with deadly weapons and trespassed into the scene of occurrence and murdered the deceased and also attempted to commit murder of the defacto complainant. The investigation was completed and final report was filed and the case was pending in S.C.No.209 of 2024 before the learned Principal District and Sessions Judge, Sivagangai.

3. When the case was listed for hearing on 02.09.2024, the petitioner was not present before the Court and therefore, the non bailable warrant came to be issued against the petitioner. Based on the non bailable warrant, the petitioner was produced before the Court on 04.09.2024 and he was remanded to judicial custody.

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

5. It is seen from records that as on 02.09.2024, the petitioner was in judicial custody in two other cases in Crime No.103 of 2024 and in Crime No.262 of 2022



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registered by the Thirupuvanam Police Station and Sivagangai Taluk Police Station respectively. The petitioner was enlarged on bail in these two cases by this Court in Crl.O.P.(MD).Nos.16251 of 2024 and 17933 of 2024 by an order dated 15.10.2024 and 24.10.2024 respectively. Thus, the petitioner came out on bail in those cases only in the month of October 2024. Therefore, the petitioner was very much in judicial custody on 02.09.2024 when the matter was taken up by the trial Court. He was not produced before the Court and unfortunately, the counsel representing the petitioner also did not inform the same to the Court.

6. Taking into consideration the facts and circumstances of the case and in the light of the above discussion, this Court is inclined to grant bail to the petitioner subject to the following conditions.

7. 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 District and Sessions Judge, Sivagangai 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 report before the Principal District and Sessions Judge,



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Sivagangai during every date of hearing without fail.

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[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, 2023.

sd/-
29/11/2024

/ TRUE COPY /

29/11/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG

TO

1 THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,
SIVAGANGAI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI, MADURAI DISTRICT.

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



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3 THE INSPECTOR OF POLICE,
MANAMADURAI POLICE STATION,
SIVAGANGAI DISTRICT,

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

+1 CC to M/s.K.SUYAMBULINGA BHARATHI, Advocate (SR-14701[I] dated
29/11/2024)

ORDER
IN
CRL OP(MD) No.20050 of 2024
Date :29/11/2024

SA/SAR. /29.11.2024/5P/6C

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