



CRL OP(MD). No.20278 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 21/11/2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

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Ajin Jose

... Petitioner/ Accused No.1

Vs

The State of Tamilnadu,
Rep by the Inspector of Police,
Eraniel Police Station,
Padmanabhapuram,
Kanyakumari District.
Crime No.363 of 2022.

... Respondent/Complainant

For Petitioner : Mr.A.Mohamedhaneef, Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

To release the petitioner/ Accused No.1 on bail in S.C.No.35 of 2023 on the file of the Learned Additional District and Sessions Court, Padmanabhapuram.

ORDER : The Court made the following order :-

The petitioner / Accused No.1, who was arrested and remanded to judicial



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custody on 04.09.2024 and was facing trial in S.C.No.35 of 2023 for the offence under Sections 302 and 342 r/w 34 of IPC, on the file of the learned Additional District and Session Judge, Padmanabhapuram, seeks bail.

2. The case of the prosecution is that the petitioner was arrayed as an accused in Crime No.363 of 2022 and he was arrested and remanded to judicial custody. Thereafter, he was enlarged on bail. On completion of the investigation, final report was filed and the case is pending in S.C.No.35 of 2023 before the learned Additional District and Sessions Judge, Padmanabhapuram. The petitioner was not present for hearing on 23.07.2024. Hence, non bailable warrant was issued against him and hence, the petitioner was secured on 04.09.2024 and he was produced before the Court and he was remanded to judicial custody.

3. The learned Government Advocate (Criminal Side) appearing for the respondent Police submitted that the petitioner is a history sheeter and there are five previous cases against the petitioner. The petitioner was not co-operating for the trial and therefore, non bailable warrant was issued and the petitioner was secured and remanded to judicial custody.

4. The learned counsel appearing for the petitioner submitted that the petitioner was present during all hearings except the hearing on 23.07.2024. He further submitted that out of five previous cases, one case has been disposed of and



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two cases are at the stage of trial and other two cases are under investigation. He further submitted that the petitioner has suffered incarceration from 04.09.2024 and that the petitioner will be present before the trial court during every date of hearing without fail.

5. Taking into consideration the facts and circumstances of the case and considering the fact that the petitioner has suffered incarceration from 04.09.2024 and the case is at the stage of commencement of trial, this Court is inclined to grant bail to the petitioner subject to the following conditions.

6. 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 Additional District and Sessions Judge, Padmanabhapuram 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 learned Additional District and Sessions Judge, Padmanabhapuram every day at 10.30 a.m. until further orders, including the dates on which the case is posted for hearing.



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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/-
21/11/2024

/ TRUE COPY /

21/11/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG

To

1.The Additional District and Sessions Judge,
Padmanabhapuram.



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2.The Inspector of Police,
Eraniel Police Station,
Padmanabhapuram,
Kanyakumari District.

3.The Officer Incharge,
District Jail, Nagercoil.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.A.MOHAMED HANEEF, Advocate (SR-14371[I] dated 21/11/2024)

ORDER
IN
CRL OP(MD) No.20278 of 2024
Date :21/11/2024

ED/ /SAR- (21/11/2024) 5P / 6C

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