



CRL OP(MD). No.21962 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/12/2024

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL OP(MD). No.21962 of 2024

Shankar @ Kuttai Shankar

... Petitioner/ Accused No.7

Vs

The Inspector of Police,
Manamadurai Police Station,
Sivagangai District,
Cr.No.455/2021.

... Respondent/ Complainant

For Petitioner : M/s. Rajkaran, Advocate

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

PETITIONS FOR BAIL Under Sec.483 of BNSS

PRAYER :-

To enlarge the petitioner/accused No.7 on bail in connection with the S.C.No.250/2024 on the file of the (*)learned Assistant Sessions Judge Cum Chief Judicial Magistrate, Sivagangai in Cr.No.455/2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A7, who was arrested and remanded to judicial custody on 22.10.2024 for the offences under Sections 147, 148, 452, 294(b), 324 and 307 of IPC and subsequently it was altered to Sections 147, 148, 452, 294(b), 324, 307, 109, 427, 326 and 149 of IPC in S.C.No.250 of 2024 on the file of the (*)learned Assistant Sessions Judge Cum Chief Judicial Magistrate, Sivagangai in Crime No.455 of 2021

on the file of the respondent police, seeks bail.

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



CRL OP(MD). No.21962 of 2024

WEB COPY

2. The case of the prosecution is that the petitioner was an accused in a case pending in S.C.No.250 of 2024 before the (*)learned Assistant Sessions Judge Cum Chief Judicial Magistrate, Sivagangai. When the matter was listed for hearing on 11.10.2024, the petitioner was not present before the Court below and there was no representation on behalf of the petitioner and therefore, non bailable warrant was issued by the Court below. Ultimately, the petitioner was brought before the Court and remanded to judicial custody on 22.10.2024 in this case.

3. Heard the learned Counsel appearing on either side.

4.It is seen from the records that the petitioner was in judicial custody in two other cases during the relevant point of time and he was enlarged on bail in those cases only on 15.10.2024 and 24.10.2024 respectively. Hence when the matter was listed for hearing on 11.10.2024, the petitioner was in judicial custody in the other cases and unfortunately, it was not brought to the notice of the Court and the petitioner was also not produced before the Court on the hearing date by the police.

5.Taking into consideration the facts and circumstances of the case and considering the earlier order passed by this Court in CrI.O.P(MD)No.20050 of 2024, dated 29.11.2024, where similar circumstances were considered by this Court and the petitioner was enlarged on bail in that case and also taking note of the fact that there are 17 previous cases against the petitioner, this Court is inclined to grant bail to the



CRL OP(MD). No.21962 of 2024

petitioner subject to the following conditions.

WEB COPY

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 Principal 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 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.

[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].



CRL OP(MD). No.21962 of 2024

[f] If the accused thereafter absconds, a fresh FIR can be registered under

WEB COPY

Section 269 BNS 2023.

sd/-
12/12/2024

(*)Corrected as per order of this Hon'ble
Court in CRL OP(MD).21962/2024 Dated
13/12/2024

/ TRUE COPY /

13/12/2024

Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

LR

TO

TO BE SUBSTITUTED WITH THE ORDER ALREADY DESPATCHED ON
12/12/2024

1 THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,
SIVAGANGAI.

2 THE SUPERINTENDENT
CENTRAL PRISON,
MADURAI DISTRICT.

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.RAJKARAN, Advocate (SR-15342[I] dated 12/12/2024)



WEB COPY



CRL OP(MD). No.21962 of 2024

ORDER

IN

CRL OP(MD) No.21962 of 2024

Date :12/12/2024

PSP/ /SAR /12.12.2024/ 5P/ 6C

RS/IT/SAR/13.12.2024/ 5P/ 6C

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