



CRL OP(MD). No.22180 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 20/12/2024

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

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Shanmuganathan

... Petitioner/ Accused 10

Vs

The State of Tamilnadu,  
Rep by the Inspector of Police,  
Kalaiyarkovil Police Station,  
Sivagangai District.  
Crime No.552/2021.

... Respondent/Complainant

For Petitioner : Mr.G.Karuppasamypandiyan, Advocate

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- For Bail in Crime No.552 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A10, who was arrested and remanded to judicial custody on 02.09.2024 for the offences under Section 302 IPC and subsequently altered to

Sections 147, 148, 341, 342, 302, 201 and 120(B) of IPC in Crime No.552 of 2021 on the

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



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file of the respondent police, seeks bail.

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2. When the bail petition came up for hearing on 17.12.2024, this Court passed the following order:

"The only issue that is involved in this case is as to whether when the petitioner was produced before the Court below on 02.09.2024, it was pursuant to a nonailable warrant issued by the Committal Court or the petitioner was produced before the Court through a PT warrant when the petitioner was already arrested in another case in Crime No.422 of 2024 on 26.08.2024. On production of the petitioner on 02.09.2024, the learned Judicial Magistrate No.I, Sivagangai District had remanded the petitioner to judicial custody.

2. The learned counsel appearing for the petitioner specifically relied upon the earlier judgment of this Court in the case of Palanivel Vs. State represented by the Inspector of Police, Veeranam Police Station, Salem District reported in 2019 3 MLJ (CRL) 351 to contend that the PT Warrant cannot be converted into a regular warrant when the accused person has already been enlarged on bail and the bail order is intact.

3. The learned Judicial Magistrate No.I, Sivagangai, is directed to submit a report in this regard before the next date of hearing.



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same."

4. Registry is directed to post this case on 20.12.2024 and follow up the

3. Pursuant to the above order, the report was received from the learned Judicial Magistrate No.I, Sivagangai. It is seen that the arrest of the petitioner had taken place only through P.T Warrant and there is absolutely no mention about the execution of the non bailable warrant.

4. Heard the learned Counsel appearing on either side.

5. Taking into consideration the facts and circumstances of the case and considering the fact that the arrest of the petitioner had taken place only through P.T warrant and not in execution of the non bailable warrant, the judgment cited by the learned Counsel for the petitioner will squarely apply to the facts of the present case. This Court also considers the fact that the petitioner has suffered incarceration from 02.09.2024 and 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 Judicial Magistrate No.I, Sivagangai, and on further conditions that:-

[a] the sureties shall affix their photographs and Left Thumb Impression in the



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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 Judicial Magistrate No.I, Sivagangai, daily at 10.30 a.m till the summons is received from the trial Court and thereafter to appear before the trial 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 269 BNS 2023.

sd/-  
20/12/2024

/ TRUE COPY /

20/12/2024  
Sub-Assistant Registrar  
Madurai Bench of Madras High Court,  
Madurai - 625 023.



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LR

TO

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1 THE JUDICIAL MAGISTRATE NO.I,  
SIVAGANGAI.

2 DO THROUGH THE CHIEF JUDICIAL  
MAGISTRATE, SIVAGANGAI DISTRICT.

3 THE INSPECTOR OF POLICE,  
KALAIYARKOVIL POLICE STATION,  
SIVAGANGAI DISTRICT.

4 THE OFFICER INCHARGE,  
DISTRICT JAIL, RAMANATHAPURAM.

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

ORDER

IN

CRL OP(MD) No.22180 of 2024

Date :20/12/2024

SA/SAR. /20.12.2024/5P/6C

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