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Crl.O.P.No.18700 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.18700 of 2025

Sivapathiran @ Sappai Siva

... Petitioner/A1

Vs.

State, rep. by the
Inspector of Police,
Nagapattinam Town Police Station,
Nagapattinam District.
(Crime No.595 of 2021)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in
connection with S.C.No.109 of 2022.

For Petitioner : Mr.P.Muthamizhselvakumar

For Respondent : Mr.R.Vinothraja
Government Advocate (Crl.Side)

ORDER

The petitioner who was arrested and remanded to judicial custody
on 26.02.2025, seeks bail in S.C.No.109 of 2022 for the offence punishable
under Sections 449, 342, 506(ii), 147, 148, 120, 109 of IPC in connection
with Crime No.595 of 2021, registered on the file of the respondent.



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2. Learned counsel for the petitioner submitted that the petitioner is an accused facing trial in S.C.No.109 of 2022 on the file of the District and Session Judge, Nagapattinam. He further submitted that since the petitioner was ill, he was unable to appear before the trial Court, and he was issued with the non-bailable warrant on 11.10.2022 and pursuant to the same, he was arrested on 26.02.2025. He also submitted that the petitioner will undertake that hereafter he will regularly appear before the trial court on all hearing dates and also stated that he is prepared to comply with any stringent conditions that may be imposed by this Court. Therefore, he prays for grant of bail to the petitioner.

3. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that since the petitioner, facing trial in S.C.No.109 of 2022 on the file of the District and Session Judge, Nagapattinam, has failed to appear before the trial Court, the trial Court has issued a NBW against the petitioner on 11.10.2022 and based on which, petitioner was remanded to judicial custody on 26.02.2025. Hence, he oppose for grant of bail to the petitioner.



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5. Heard both sides and perused the materials available on record.

6. Considering the facts and circumstances of the case, submissions made by the learned counsels on either side, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his 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 Session Judge, Nagapattinam**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[b] **the petitioner shall report before the trial Court on every Tuesday at 10.30.a.m., and all hearing date without fail;**

[c] the petitioner shall make himself available for interrogation by a Police Officer as and when required;

[d] the petitioner shall not directly or indirectly cause any threat to the de facto complainant and witnesses;



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[e] the petitioner to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

[f] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned 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)13 SCC 283]**;

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

04.07.2025

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Note :

1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.



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To

- 1.The District and Session Judge,
Nagapattinam
- 2.Inspector of Police,
Nagapattinam Town Police Station,
Nagapattinam District.
- 3.The District Prison,
Nagapattinam.
- 4.The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

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