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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.422 of 2025

M.Velladurai ... Petitioner/Accused No.9

Vs

State of Tamil Nadu,
The Inspector of Police,
Sivagiri Police Station,
Tenkasi District.
In Cr.No.173/2016 ... Respondent/Complainant

For Petitioner : Mr. K.Suyambulingabharathi,
Advocate.

For Respondent : Mr.R.Meenakshi Sundarm,
Additional Public Prosecutor

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PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

To enlarge the petitioner/accused No.9 on BAIL in connection with P.R.C.No.31/2018 before the learned Judicial Magistrate, Sivagiri in Crime No.173/2016 on the file of the respondent police and thus render justice.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 07.01.2025 under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant bail.

2. The petitioner/ accused No.9 was arrested and remanded to judicial custody on 24.11.2024 on the basis of Non Bailable Warrant issued against him on 18.10.2024 for the alleged offence punishable under Section 379 @ 397 IPC in Crime No.173 of 2016 on the file of the respondent police.

3. The case of the prosecution is that the defacto complainant is working as a salesman in TASMAC shop at Sivagiri Village. On 05.10.2016 at about 10.30 pm, when the defacto complainant along with other staffs was proceeded to home with sale amount, the petitioner herein and other accused intercepted the defacto complainant and threatened him with sickle and snatched the sale amount of

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Rs.3,09,352/-. Hence the complaint.

4. Mr.K.Suyambulinga Bharathi, learned counsel appearing for the petitioner submitted that as per the First Information Report only two persons committed the offence. He would further submit that on 18.10.2024 the petitioner has instructed his counsel to file an appropriate application under Section 317 Cr.P.C., but, he failed to do so which resulted in issuance of Non Bailable Warrant against him. He would further submit that before 18.10.2024, the petitioner was regularly appeared before the trial Court and he is ready to obey the condition to be imposed by this Court and pray for granting bail to the petitioner.

5. Per contra, Mr.R. Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioner herein is a regular offender and has 8 previous cases and hence, he strongly opposed the grant of bail to the petitioner.

6. Heard on both sides. This Court has perused the records.

7. The petitioner was arrested on 24.11.2024 and he has been incarceration since 22.01.2025. On perusing of the records, it reveals the fact that the petitioner has a permanent residence and deep roots in the society. Hence, there is less possibility of absconding. With a view to give one more opportunity to reform himself, this Court

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is inclined to grant bail to the petitioner, however, subject to certain conditions. Accordingly, bail is granted to the petitioner subject to the following conditions:

(i) The petitioner shall execute a bond for Rs.25,000/- (Rupees Twenty Five Thousand only) along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) to the satisfaction of the learned Judicial Magistrate, Sivagiri.

(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019]. The learned Judicial Magistrate, Sivagiri shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioner shall furnish his residence address and mobile number:

(iv) The petitioner shall appear and sign before the concerned Judicial Magistrate, daily at 10.30 a.m., until further orders and he shall also appear before the trial Court on all hearing dates without fail.

(v) The petitioner shall not, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper the evidence;

(vi) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Sivagiri is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by him as laid

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down by the Hon'ble Supreme Court in P.K. Shaji vs. State of Kerala [(2005) 13 SCC 283].

8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

sd/-

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05 /02 /2025
Sub-Assistant Registrar ( )
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO

1 THE JUDICIAL MAGISTRATE,
SIVAGIRI.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
TENKASI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL JAIL, PALAYMKOTTAI, THIRUNELVELI.

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4 THE INSPECTOR OF POLICE,
SIVAGIRI POLICE
STATION,
TENKASI DISTRICT.

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

+1 CC to M/s.K.SUYAMBULINGA BHARATHI, Advocate (SR-1381[I] dated 05/02/2025)

ORDER
IN
CRL OP(MD) No.422 of 2025
Date :05/02/2025

NBF / (05/02/2025) 6P / 7C
Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023

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