



CRL OP(MD). Nos.1506 and 1514 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29.01.2025

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD). Nos.1506 and 1514 of 2025

Shanmugavel

... Petitioner/ Accused No.13
in Crl.OP(MD).No.1506 of 2025

Vignesh @ Vignu

... Petitioner/ Accused No.10
in Crl.OP(MD).No.1514 of 2025

Vs

The State of Tamilnadu,
Represented by,
The Inspector of Police,
Dindigul Town West Police Station,
Dindigul District.
(Crime No.4 of 2019)

... Respondent / Complainant
in both cases

For Petitioners: Mr.M.Suresh,
(in both cases) Advocate.

For Respondent : Mr.S.Ravi,
(in both cases) Additional Public Prosecutor

PETITIONS FOR BAIL Under Sec.483 of BNSS,2023.

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

For Bail in connection with the S.C. No.170 of 2024



pending on the file of the learned Additional District and Sessions Court at Dindigul.

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COMMON ORDER : The Court made the following order :-

The petitioners / Accused 13 & 10, who were arrested and remanded to judicial custody on 29.11.2024 for the alleged offence under Sections 147, 148, 341, 302, 120(B), 109 r/w. 34 of IPC, in Crime No.4 of 2019, on the file of the respondent police, seek bail.

2. A case was pending against the petitioners in P.R.C. No.44 of 2020 on the file of the learned Judicial Magistrate No.I, Dindigul. The petitioners were arrested in some other case and they were in judicial custody. Hence, when the matter came up before the learned Magistrate on 22.10.2024, the learned Magistrate has taken into consideration the fact that the petitioners apart from other accused persons are in judicial custody and hence, committal warrant was issued and a direction was given to produce the petitioners and others who were in judicial custody before the Principal District Court, Dindigul. Thereafter, when the matter was called before the learned Principal District Court on 05.01.2024, since the petitioners were not produced before the Court, the NBW came to be issued. In execution of the same, the petitioners were brought before the Court through a PT warrant on 29.11.2024 and the District Court cancelled the bond executed by the petitioners and remanded them to judicial custody in exercising its power and jurisdiction under Section 309 of CrPC.



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3. The learned counsel for the petitioners submitted that for no fault of the petitioners, NBW was issued against them since the police did not produce the petitioners on the date of hearing. The learned counsel submitted that a specific direction was given by the learned Magistrate and the same was not even considered by the District Judge before issuing NBW against the petitioners. The learned counsel submitted that the petitioners have been enlarged on bail in all the other pending cases and they are suffering incarceration in the present case from 29.11.2024.

4. The learned Additional Public Prosecutor submitted that the counsel who was appearing on behalf of the petitioners did not represent before the Principal District and Sessions Judge that the petitioners are in judicial custody in some other case and therefore, the NBW came to be issued on 05.11.2024. The learned Additional Public Prosecutor submitted that insofar as A10 is concerned, there are 14 previous cases, out of which, 3 cases are murder cases. Insofar as A13 is concerned, there are 10 previous cases, out of which, 6 cases are murder cases. The learned Additional Public Prosecutor further submitted that the case is now posted on 06.02.2025 for framing of charges. The learned Additional Public Prosecutor, therefore, vehemently opposed the grant of bail to the petitioners.

5. This Court has carefully considered the submissions made on either side and perused the materials available on record.



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6. In the considered view of this Court, the records reflects the fact that the petitioners were in judicial custody in some other case and this fact has been clearly noted by the learned Judicial Magistrate and hence, when the case was committed to the Principal District and Sessions Judge by proceedings dated 22.10.2024, a specific direction was given to the police to produce the petitioners and others before the Principal Sessions Judge and a committal warrant was also issued in this regard. Unfortunately, the petitioners were not produced before the Principal Sessions Judge and therefore, a NBW came to be issued on 05.11.2024. Thereafter, the petitioners were produced through a PT warrant before the Principal District and Sessions Judge and the petitioners were remanded to judicial custody in exercising its power and jurisdiction under Section 309 of CrPC. The Principal Sessions Judge ought to have verified the case bundle which clearly shows that as on 05.11.2024, the petitioners were expected to be produced before the Court by the police by virtue of the committal warrant issued by the learned Magistrate and due to the fault on the part of the police, the petitioners were not produced before the Court and NBW was issued. The PT warrant was converted into a regular warrant and the bail granted in favour of the petitioners was cancelled. This procedure adopted by the learned Sessions Judge is also illegal by virtue of the judgement of this Court in Palanivel -vs- State, represented by Inspector of Police, Veeranam Police Station, Salem District



(Crime No.538 of 2023) reported in (2019) 3 MLJ (CrI) 351.

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7. Taking into consideration the facts and circumstances of the case and the findings rendered supra, this Court is inclined to grant bail to the petitioners subject to the following conditions:

8. Accordingly, the petitioners are ordered to be released on bail on their 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 Court at Dindigul, 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 petitioners shall report before the learned Additional District and Sessions Court at Dindigul daily at 10.30 a.m. apart from the hearing dates until further orders, except on those dates when the petitioners have to appear before other Courts where cases are pending against them.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial



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Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-
29/01/2025

/ TRUE COPY /

29/01/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

PAL
TO

1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,
DINDIGUL.

2 THE JUDICIAL MAGISTRATE NO.I,
DINDIGUL.

3 THE OFFICER INCHARGE,
DISTRICT PRISON, DINDIGUL.

4 THE INSPECTOR OF POLICE,
DINDIGUL TOWN WEST POLICE STATION,
DINDIGUL DISTRICT.

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



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COPY TO:

THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,
DINDIGUL.

ORDER

IN

CRL OP(MD). Nos.1506 and 1514 of 2025

Date :29/01/2025

SA/SAR. /29.01.2025/7P/7C

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