



CRL OP(MD). No.2291 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 06/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.2291 of 2025

Soosai Raj

... Petitioner/ Accused No.2

Vs

The State of Tamil Nadu,,
Rep. by the Inspector of Police,
Kanyakumari Police Station,
Kanyakumari District.
(Crime No. 44 of 2020).

... Respondent/Complainant

For Petitioner : Ms.M.Lavanya, Advocate

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No. 44 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 04.02.2025
under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant



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2. The petitioner/A2 was arrested and remanded to judicial custody on 30.08.2024 on the basis of a Non Bailable Warrant (NBW) issued against him for the offences punishable under Sections 294(b), 324, 506(ii), 326 and 307 of IPC in S.C.No.258 of 2022 on the file of the Additional Sessions Judge (Fast Track Court), Kanyakumari at Nagercoil, in Crime No.44 of 2020 on the file of the Inspector of Police, Kanyakumari Police Station, Kanyakumari District.

3. The case of the prosecution is that due to previous enmity between the parties, on 06.02.2020, the petitioner along with two other accused persons abused the defacto complainant in filthy languages, assaulted him with beer bottle and thereby, caused injury to him and also threatened him with dire consequences. Hence the complaint.

4. Ms.M.Lavanya, learned counsel appearing for the petitioner, submitted that due to an accident, the petitioner suffered partial paralysis, and hence, he could not appear before the Court. Thereafter, NBW was issued against the petitioner, and the petitioner has been in judicial custody since 30.08.2024. He further submitted that the petitioner is an innocent persons and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case. Hence, he pray for granting bail to the petitioner.



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5. Per contra, Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the respondent police submitted that earlier the petitioner was arrested in connection with Crime No.44 of 2020 on the file of the Kanyakumari Police Station on 08.02.2020 and released on bail on 07.03.2020. Thereafter, the respondent police filed charge sheet and the same was taken on file in S.C.No.258 of 2022 by the learned Additional Sessions Judge (Fast Track Court), Kanyakumari at Nagercoil. Since the petitioner did not appear, NBW was issued against him on 01.09.2023 and the respondent police executed warrant on 30.08.2024. He further submitted that there was no previous case is pending against the petitioner.

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

7. The respondent police arrested the petitioner in connection with Crime No.44 of 2020 on the file of the Kanyakumari Police Station on 08.02.2020 and released on bail on 07.03.2020. Thereafter, the respondent police filed charge sheet and the same was taken on file in S.C.No.258 of 2022 by the learned Additional Sessions Judge (Fast Track Court), Kanyakumari at Nagercoil. Since the petitioner did not appear and co-operate with the trial, the learned Sessions Judge issued NBW against the petitioner on 01.09.2023 and the respondent police executed warrant on 30.08.2024. The petitioner has been in prison from 30.08.2024 and he has no previous case. On perusing of the records, it reveals the fact that the petitioner has a



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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 and also considering the stage of the case and the period of incarceration, this Court 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 Additional Sessions Judge, Fast Track Court, Kanyakumari District at Nagercoil;

(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 Additional Sessions Judge shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioner shall furnish his residential address and mobile number;

(iv) The petitioner shall appear and sign before the learned Additional Sessions Judge (Fast Track Court) Kanyakumari District at Nagercoil, on all working days at 10.30 a.m., until further orders;

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



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(vi) On breach of any of the aforementioned conditions, the learned Additional Sessions Judge is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by him as laid 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/-
06/02/2025

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06/02/2025
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

RMK

To

1.The Additional Sessions Judge,
Fast Track Court,
Kanyakumari District at Nagercoil.

2.The Inspector of Police,
Kanyakumari Police Station,
Kanyakumari District.

3.The Officer Incharge,
District Jail, Nagercoil.



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4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.M.LAVANYA, Advocate (SR-1416[I] dated 06/02/2025)

ORDER
IN
CRL OP(MD) No.2291 of 2025
Date :06/02/2025

ED/ /SAR- (06/02/2025) 6P / 6 C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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