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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.2725 of 2025

Sundar @ Sundar Raj,
S/o. Mariyappan,
Mela Theru,
Ettyapuram,
Kovilpatti Taluk,
Thoothukudi District.

... Petitioner/ Accused No.6

Vs

The State of Tamilnadu,
Represented by the Inspector of Police,
Kovilpatti East Police Station,
Thoothukudi District.
Crime No.496 of 2015.

... Respondent/Complainant

For Petitioner : Mr.I.Pinaygash,
Advocate.

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

PETITION FOR BAIL Under Sec.483 of BNSS



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PRAYER :-

To enlarge the petitioner/ Accused No.6 on Bail in S.C.No.151 of 2021 on the file of the learned I-Additional District and Sessions Judge, Thoothukudi in connection with crime no.496 of 2015 dated 22.06.2015 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 10.02.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant bail.

2. The petitioner / A6 was arrested and remanded to judicial custody on 28.11.2024 based on the Non-Bailable Warrant issued by the learned I Additional District and Sessions Judge, Thoothukudi against him on 27.07.2023. The petitioner is facing trial in S.C.No.151 of 2021 on the file of the learned I Additional District and Sessions Judge, Thoothukudi, for the offences punishable under Sections 147, 148, 448, 294(b), 307, 506(ii) and 302 of the Indian Penal Code, 1860, (Act No.45 of 1860) in connection with Crime NO.496 of 2015 on the file of the respondent-police.



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3. The case of the prosecution is that on 22.06.2015, at about 08.00 p.m., near Vakkil Street, Pillaiyar Kovil, Kovilpatti, due to caste discrimination between the parties, the petitioner along with other accused persons criminally conspired and murdered one Ramakrishnan, the brother of the defacto complainant, by using aruval. Hence the case.

4. The petitioner was initially arrested in this case on 01.07.2015 and enlarged on bail on 24.08.2015. After the committal proceedings, the petitioner did not appear before the trial Court on 27.07.2023. Hence, non bailable warrant was issued against the petitioner on 27.07.2023 and the same was executed on 28.11.2024. The petitioner has been in incarceration since 28.11.2024.

5. Mr.I.Pinaygash, learned counsel appearing for the petitioner, submits that the petitioner has appeared before the trial Court regularly except on 27.07.2023. Before the date of hearing on 02.07.2024, the petitioner met with an accident and hence, he could not appear before the trial Court. Hence, non bailable warrant was issued against the petitioner. He further submits that the petitioner is a law abiding citizen and now, he is taking treatment in the prison hospital. He further submits that the petitioner is an innocent person and he has not committed any offence as alleged by



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the prosecution. He further submits that the petitioner has been in judicial custody since 28.11.2024. He therefore prays to grant bail to the petitioner.

6. Per contra, Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the respondent-police submits that the petitioner did not appear before the trial Court on 27.07.2023. Hence, non bailable warrant was issued against the petitioner and the same was executed on 28.11.2024. He further submits that the case is pending from the year 2015 and now, the case is at the stage of framing of charges. Hence, if bail is granted to the petitioner, the trial proceedings will be delayed. According, he prays to dismiss this Criminal Original Petition.

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

8. It is stated that the petitioner met with an accident before the hearing date and hence, he could not appear before the trial Court. The reason assigned by the petitioner is satisfied. The petitioner has permanent residence and deep roots in the society and therefore, there is less possibility of absconding. Considering the period of incarceration and with a view to give one more opportunity to the petitioner to reform himself, 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:

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(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 I Additional District and Sessions Judge, Thoothukudi;

(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 I Additional District and Sessions Judge, Thoothukudi 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 to the learned I Additional District and Sessions Judge, Thoothukudi;

(iv) The petitioner shall appear and sign before the learned I Additional District and Sessions Judge, Thoothukudi, on all working days at 10.00 a.m. until further orders and shall appear before the said Court on all days when the learned Judicial Magistrate requires their appearance, 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; and



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(vi) On breach of any of the aforementioned conditions, learned I Additional District and Sessions Judge, Thoothukudi 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].

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

Sd/-
13/02/2025

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13/02/2025
Sub-Assistant Registrar(AE)
Madurai Bench of Madras High Court,
Madurai - 625 023.

tsg

TO

1 THE I ADDITIONAL DISTRICT AND SESSIONS JUDGE,
THOOTHUKUDI.

2 THE INSPECTOR OF POLICE,
KOVILPATTI EAST POLICE STATION,
THOOTHUKUDI DISTRICT.

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



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3 THE OFFICER INCHARGE,
PERURANI DISTRICT JAIL, THOOTHUKUDI.

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

+1 CC to M/s.I.PINAYGASH, Advocate (SR-1622[I] dated 13/02/2025)

ORDER
IN

CRL OP(MD) No.2725 of 2025
Date :13/02/2025

ES/SKN/SAR/13.02.2025/7P/6C

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