



CRL OP(MD). No.3235 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.3235 of 2025

Murugan

... Petitioner/ A2

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
Thoothukudi North Police Station,
Thoothukudi District.
Crime No. 529/2021.

... Respondent/Complainant

For Petitioner : Mr.S.Vishnuvardhan,
Advocate.

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

To enlarge the petitioner/A2 on bail in connection with the case in S.C.No.303/2024 on the file of the learned I Additional District and Sessions Judge, Thoothukudi in Crime No.529 /2021 on the file of the respondent-police.



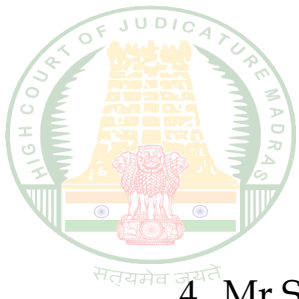
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ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 18.02.2025 under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioner/Accused No.2 was arrested on the basis of Non Bailable Warrant issued against him and remanded to judicial custody on 01.10.2024. The petitioner is facing trial in S.C.No.303/2024 on the file of the learned I Additional District and Sessions Judge, Thoothukudi for the offences punishable under Sections 341, 294(b), 387, 307 and 506(ii) of IPC in connection with Crime No.529 of 2021 on the file of the respondent-Police.

3. The case of the prosecution is that the petitioner along with other accused persons wrongfully restrained the defacto complainant, abused the defacto complainant by using filthy language and attempted to extort money from him and attempted to murder him with an aruval and a sword and also made criminal intimidation against the defacto complainant. Hence, the case.



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4. Mr.S.Vishnuvardhan, learned counsel appearing for the petitioner, submits that since the petitioner did not appear before the Trial Court, non bailable warrant was issued against the petitioner on 17.04.2024 and the same was executed on 01.10.2024. He further submits that the petitioner did not receive any summons from the Trial Court and without adhering principles of natural justice, the non-bailable warrant was issued. Accordingly, he prays for granting bail to the petitioner.

5. *Per contra*, Mr.K.Sanjai Gandhi, learned Government Advocate (Criminal side) appearing for the respondent-police, submits that the co-accused persons appeared before the Trial Court and that though the petitioner was well aware of the hearing date, he did not appear before the Trial Court. He further submits that there are 17 previous cases pending against the petitioner. He further submits that now, the case has been committed to the Sessions Court and the same has been taken on file in S.C.No.303 of 2024 before the learned I Additional District and Sessions Judge, Thoothukudi. He further submits that the case is now posted for framing of charges. He further submit that in these circumstances, if bail is granted to the petitioner, he may abscond and delay the trial proceedings. Hence, he opposes to grant bail to the petitioner.



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

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7. It is stated that while the case was at the PRC stage, the summons was admittedly not served on the petitioner. However, the learned Judicial Magistrate issued Non-Bailable Warrant on 17.04.2024 without effecting service of summons. On perusing the records, it reveals the fact that the petitioner has permanent residence and hence, there is less possibility of absconding. Considering the same, and taking into account the petitioner's claim that he could not appear due to unawareness of the trial proceedings, as well as the incarceration suffered by the petitioner, 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:

(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;



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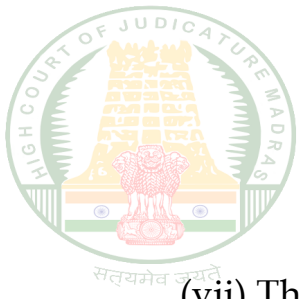
(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned I Additional District and Sessions Judge, Thoothukudi shall obtain a copy of any one of identity proofs to ensure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

(iii) The petitioner shall attend in accordance with the conditions of the bond to be executed under Chapter XXXV of BNS, 2023;

(iv) The petitioner shall not commit an offence similar to the offence of he is accused, or suspected, of the commission of which he is suspected;

(v) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence;

(vi) The petitioner shall furnish his residential address and mobile number to the learned I Additional District and Sessions Judge, Thoothukudi;



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(vii) The petitioner shall appear and sign before the learned I Additional District and Sessions Judge, Thoothukudi on all working days at 10.30 a.m., until further orders; and

(viii) 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].

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

sd/-
24/02/2025

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24/02/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG
TO

1 THE I ADDITIONAL DISTRICT AND
SESSIONS JUDGE, THOOTHUKUDI.



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- 2 THE INSPECTOR OF POLICE,
THOOTHUKUDI NORTH POLICE STATION,
THOOTHUKUDI DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.3235 of 2025
Date :24/02/2025

SS/SAR- /21/02/2025/ 7P/5C

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