



CRL OP(MD) No.3491 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD) No.3491 of 2025

Sundar

... Petitioner/ Accused No.1

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Thiruneelakudi Police Station,
Thanjavur District.
Crime No.387/2023

... Respondent/Complainant

For Petitioner : Mr.R.L.Dhilipan Pandian, Advocate.
For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

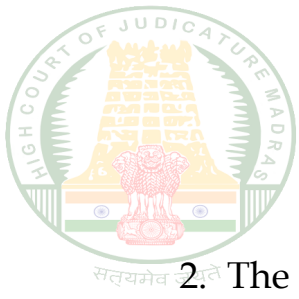
To enlarge the petitioner / A1 on bail in S.C No.310 of 2024 pending investigation on the file of the learned Additional District and Sessions Judge (Fast track Court) Kumabakonam, Thanjavur District.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 21.02.2025 under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to

grant bail

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



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2. The petitioner/Accused No.1 was arrested on the basis of Non Bailable Warrant issued against him and remanded to judicial custody on 09.10.2024. The petitioner is facing trial in S.C No.310 of 2024 on the file of the learned Additional District and Sessions Judge (Fast Track Court) Kumabakonam, Thanjavur District for the offences punishable under Sections 109, 120B, 147, 148, 149, 294(b), 302 and 506 (ii) of IPC in connection with Crime No.387 of 2023 on the file of the respondent-Police.

3. Since the petitioner did not appear before the District Munsif cum Judicial Magistrate Court, Thiruvudaimaruthur on 03.08.2024, a Non-Bailable Warrant was issued against him. Thereafter, on 09.10.2024, the petitioner voluntarily surrendered before the learned District Munsif cum Judicial Magistrate, Thiruvudaimaruthur, and filed a petition for the acceptance of surrender and recall of the warrant. However, the learned District Munsif cum Judicial Magistrate, Thiruvudaimaruthur accepted the surrender of the petitioner but did not allow the recall petition. Thereafter, the petitioner was remanded to judicial custody on 09.10.2024.

4. Mr.R.L.Dhilipan Pandian, learned counsel appearing for the petitioner, submits that due to illness, the petitioner was unable to appear before the learned District Munsif cum Judicial Magistrate, Thiruvudaimaruthur, on 03.08.2024. Hence, a non-bailable warrant was issued against the petitioner on 03.08.2024. After the



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petitioner became aware that a non-bailable warrant had been issued, he voluntarily surrendered before the learned District Munsif cum Judicial Magistrate, Thiruvudaimaruthur on 09.10.2024. The learned District Munsif cum Judicial Magistrate, Thiruvudaimaruthur accepted his surrender but refused to recall the warrant. He further submits that the petitioner is ready to abide by any conditions imposed by this Court. Therefore, he prays for granting bail to the petitioner.

5. Per contra, Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the respondent-police, submits that there are eight previous cases pending against the petitioner. He further submits that the petitioner did not appear before the learned District Munsif cum Judicial Magistrate, Thiruvudaimaruthur, and hence, a non-bailable warrant was issued against the petitioner on 03.08.2024. He further submits that this case was committed to the learned Additional District and Sessions Judge (Fast Track Court), Kumbakonam and is pending before the said learned Additional District and Sessions Judge. He further submits that if bail is granted to the petitioner, he may abscond and thereby cause a delay in the trial proceedings. Hence, he strongly opposes to grant bail to the petitioner.

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

7. It is stated that due to illness, the petitioner was absent on 03.08.2024. To be noted, the petitioner had voluntarily surrendered before the learned District Munsif



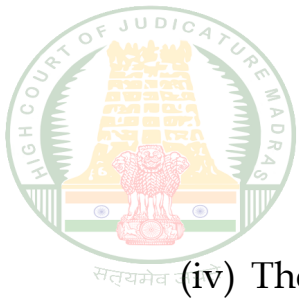
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cum Judicial Magistrate, Thiruvidaimaruthur on 09.10.2024. Further to be noted, the
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petitioner has been regularly appearing before the learned District Munsif cum
Judicial Magistrate, Thiruvidaimaruthur prior to 03.08.2024. 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 also considering the period of
incarceration and with a view to give one more opportunity 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 Additional District and
Sessions Judge (Fast Track Court), Kumbakonam, Thanjavur District;

(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 District and Sessions Judge (Fast Track
Court), Kumbakonam, Thanjavur District 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;



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(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 Additional District and Sessions Judge (Fast Track Court), Kumbakonam, Thanjavur District;

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

(viii) The petitioner shall appear and sign before the learned Additional District and Sessions Judge (Fast Track Court), Kumbakonam, Thanjavur District on all working days at 10.30 a.m., until further orders and on all hearing dates when the Court requires his appearance; and

(ix) On breach of any of the aforementioned conditions, learned Additional District and Sessions Judge (Fast Track Court), Kumbakonam, Thanjavur District, 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



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Supreme Court in P.K. Shaji vs. State of Kerala [(2005) 13 SCC 283].

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

sd/-
26/02/2025

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26/02/2025

Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG

TO

1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE (FAST TRACK COURT),
KUMBAKONAM,
THANJAVUR DISTRICT.

2 THE OFFICER INCHARGE,
DISTRICT PRISON,
THANJAVUR,
THANJAVUR DISTRICT.

3 THE INSPECTOR OF POLICE,
THIRUNEELAKUDI POLICE STATION,
THANJAVUR DISTRICT.

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



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ORDER

IN

CRL OP(MD) No.3491 of 2025

Date :26/02/2025

RS/IT/SAR-(26.02.2025) 7P 5C

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