



CRL OP (MD) No.4645 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19.03.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.4645 of 2025

O.Arunkumar

... Petitioner/ Accused No.3

Vs

The State of Tamil Nadu,
Rep. by the Sub-Inspector of Police,
Usilampatti Town Police Station,
Madurai District.
Crime No.49 of 2022

... Respondent/Complainant

For Petitioner : Mr.M.Yokesh

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

To enlarge the petitioner/ A3 on bail in C.C.No.541 of 2022 on the file of the Communal Clash Cases Court, Madurai in connection with Crime No.49 of 2022 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 11.03.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioner/A3 has voluntarily surrendered before the Court after issuance of non-bailable warrant against him and was remanded to judicial custody on 21.02.2025. The petitioner is facing trial in C.C.No.541 of 2022 on the file of the Communal Clash Cases Court, Madurai for the alleged offences punishable under Sections 8(c) and 20(b)(ii)(B) of NDPS Act in connection with Crime No.49 of 2022 on the file of the respondent-police.

3. Mr.M.Yokesh, the learned counsel appearing for the petitioner, submits that when the case was posted for trial on 05.09.2023, the petitioner did not appear as he had gone to Kerala for his avocation and was held up due to construction work. He further submits that after becoming aware of the issuance of the NBW, the petitioner voluntarily surrendered on 21.02.2025. He also submits that the petitioner has been in judicial custody since 21.02.2025 and is ready to abide by any conditions that may be imposed by this Court. He therefore prays to grant bail to the petitioner.



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4. *Per contra*, Mr.R.Meenakshi Sundaram, the learned Additional Public Prosecutor appearing for the respondent-police, submits that the petitioner has two previous cases, which are similar in nature. He further submits that the petitioner, without assigning any reason, had been absconding for the period between 05.09.2023 and 21.02.2025, and therefore, if bail is granted to the petitioner, he will again abscond and thereby delay the trial proceedings. Furthermore, in view of the antecedents of the petitioner, the learned Additional Public Prosecutor strongly opposes to grant bail to the petitioner.

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

6. The petitioner was remanded to judicial custody on 21.02.2025 and has been in judicial custody since then. The respondent-police registered a case against the petitioner for offences punishable under Sections 8(c) and 20(b)(ii)(B) of the NDPS Act, and the quantity of contraband involved in this case is of intermediate quantity. In view of the offences allegedly committed by the petitioner, the reasons assigned by the petitioner for non-appearance at the hearing, and the fact that the petitioner has voluntarily surrendered before the Court, this Court is of the opinion that further



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custody of the petitioner is not necessary. Considering the same, and with a view to give one more opportunity to the petitioner to appear before the Trial Court, and also to ensure a fair trial and in the interest of justice, 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.10,000/- (Rupees Ten Thousand only) along with two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned Judge, Communal Clash Cases Court, Madurai 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 Judge, Communal Clash Cases Court, Madurai 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 which 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 Judge, Communal Clash Cases Court, Madurai District;

(vii) The petitioner shall appear and sign before the learned Judge, Communal Clash Cases Court, Madurai District on all working days at 10.30 a.m., until further orders; and

(viii) On breach of any of the aforementioned conditions, the learned Judge, Communal Clash Cases Court, Madurai 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 Supreme Court in *P.K. Shaji vs. State of Kerala* [(2005) 13 SCC 283].



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

sd/-
19/03/2025

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19/03/2025
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

MBI

TO

- 1 THE JUDGE,
COMMUNAL CLASH CASES COURT, MADURAI DISTRICT.
 - 2 THE SUB INSPECTOR OF POLICE,
USILAMPATTI TOWN POLICE STATION,
MADURAI DISTRICT.
 - 3 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.M.YOKESH, Advocate (SR-3082[I] dated 19/03/2025)



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ORDER
IN
CRL OP(MD) No.4645 of 2025
Date :19/03/2025

SS/SAR- /19/03/2025/ 7P/6C

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