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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20.03.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.5137 of 2025

M.Rangan

... Petitioner/ Accused No.6

Vs

State of Tamil Nadu
Rep. by The Inspector of Police,
Moontradaippu Police Station,
Tirunelveli District.
Crime No.155 of 2014

... Respondent/ Complainant

For Petitioner : Mr.C.Venkatesh

For Respondent : Mr.R.Meenakshi Sundaram

Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

To enlarge the petitioner/ A6 on bail in S.C.No.246 of 2019 on the file of the learned I Additional Sessions Judge, Tirunelveli in connection with Crime No.155 of



2014 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 18.03.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioner/Accused No.6 was arrested on the basis of Non-Bailable Warrant issued against him and remanded to judicial custody on 15.02.2025. The petitioner is facing trial in S.C.No.246 of 2019 on the file of the learned I Additional Sessions Judge, Tirunelveli for the alleged offences punishable under Sections 147, 148, 341, 302, 307, 120(b), 212 and 149 of IPC, in connection with Crime No.155 of 2014, on the file of the respondent-police. Since the petitioner has not appeared before the Trial Court on 08.01.2025, Non Bailable Warrant was issued against him, and the same was executed on 15.02.2025.

3. The case of the prosecution is that due to previous enmity, on 12.11.2014, when the defacto complainant and one Velsamy (deceased) were travelling on a motorcycle, the petitioner and other accused persons intercepted them and attacked Velsamy with a sickle, due to which Velsamy succumbed to his injuries. Hence the case.

4. Mr.C.Venkatesh, the learned counsel appearing for the petitioner, submits



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that the petitioner is an innocent person, and he has not committed any offence as alleged by the prosecution. He further submits that since the petitioner was unwell, he was unable to appear before the Trial Court on 08.01.2025, and therefore, a Non-Bailable Warrant was issued against the petitioner on the same day, and he was arrested on 15.02.2025. He further submits that the petitioner had been regularly appearing before the Trial Court prior to 08.01.2025. He further submits that the petitioner has been in judicial custody since 15.02.2025, and that he is ready to abide by any conditions that may be imposed by this Court. He therefore prays to grant bail to the petitioner.

5. Per contra, Mr.R.Meenakshi Sundaram, the learned Additional Public Prosecutor appearing for the respondent-police also concedes the said fact. He however submits that the petitioner has 21 previous cases, of which six cases were disposed of and 15 cases are pending. He further submits that if bail is granted to the petitioner, he may abscond and delay the trial proceedings. Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. The petitioner was arrested on 15.02.2025 and has been in judicial custody. Since the petitioner was unwell, he was unable to appear before the Trial Court on 08.01.2025. Prior to 08.01.2025, the petitioner had been regularly appearing before the



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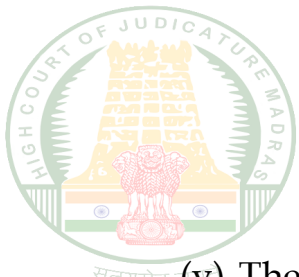
Trial Court. Considering the same, and also considering the nature of the offence allegedly committed by the petitioner and the period of incarceration, and with a view to give one more opportunity to the petitioner to appear before the Trial Court, this Court is inclined to grant bail to the petitioner, 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 I Additional Sessions Judge, Tirunelveli;

(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 Sessions Judge, Tirunelveli 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 Sessions Judge, Tirunelveli;

(iv) The petitioner shall appear and sign before the learned I Additional Sessions Judge, Tirunelveli, weekly twice i.e., on every Monday and Friday at 10.30 a.m., until further orders;



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(v) The petitioner shall appear before the learned I Additional Sessions Judge, Tirunelveli on all hearing dates and co-operate with the Trial Court for expeditious disposal of the case;

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

(vii) 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;

(viii) 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;

(ix) The petitioner shall not enter into the defacto complainant's house or workplace, and shall not try to contact the defacto complainant either directly or through any electronic mode; and

(x) On breach of any of the aforementioned conditions, the learned I Additional Sessions Judge, Tirunelveli , 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/-
20/03/2025

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21/03/2025

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

apd
TO

- 1 THE I ADDITIONAL SESSIONS JUDGE, TIRUNELVELI.
- 2 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI, TIRUNELVELI.
- 3 THE INSPECTOR OF POLICE,
MOONTRADAIPPU POLICE STATION, TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.5137 of 2025
Date :20/03/2025

NBF/GSV / SAR/ (21/03/2025) 6P/5C

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