



CRL OP(MD) No.6262 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 04/04/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD) No.6262 of 2025

Anto Winston ... Petitioner/ Accused No.2

Vs

The State of Tamil Nadu
Rep. by the Inspector of Police,
Thattarmadam Police Station,
Thoothukudi District.
Crime No.209 of 2022 ... Respondent/Complainant

For Petitioner : Mr.S.Ramasamy
Advocate

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

To enlarge the petitioner/accused No.2 on Bail in connection with S.C.No.116 of 2023 before the Learned Sub Court, Thiruchendur in Crime no.209 of 2022 on the file of the Respondent Police.



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ORDER: The Court made the following order :-

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This Criminal Original Petition has been filed by the petitioner on 02.04.2025 under Section 483 of the 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 on 08.01.2025 and remanded to judicial custody on 25.02.2025. The petitioner is facing trial in S.C.No.116 of 2023 on the file of the Sub Court, Thiruchendur for the offences punishable under Sections 294(b), 307, 506(2) of Indian Penal Code, 1860, in connection with Crime No.209 of 2022 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 the petitioner and the same was executed on 25.02.2025 by arresting the petitioner.

3. Mr.S.Ramasamy, learned counsel appearing for the petitioner, submits that the petitioner's non-appearance was neither willful nor wanton. He further submits that while the petitioner was out fixing a refrigerator, he lost his mobile phone and was unable to contact his advocate, due to which he was unaware of the hearing dates and failed to appear on 08.01.2025. He also submits that the petitioner has been in judicial custody since 25.02.2025 and is ready to abide by any conditions that may be imposed by this Court. He therefore prays for granting bail to the



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petitioner.

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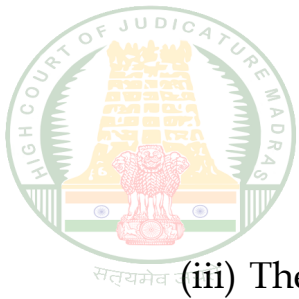
4. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Crl. Side) appearing for the respondent-police, on instructions, submits that due to the petitioner's non-appearance, a Non-Bailable Warrant was issued against him. He further submits that the petitioner's non-appearance amounts to delaying the trial, and therefore, if he is released on bail, he may abscond and further delay the proceedings. Therefore, he vehemently opposes to grant bail to the petitioner.

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

6. Considering the fact that only due to his non-appearance, he was arrested on 25.02.2025 and has been in judicial custody since then, and with a view to adhere the principles of natural justice and ensure a fair trial, and in the interest of justice, this Court is inclined to grant an order of bail to the petitioner, however, 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 Subordinate Judge, Thiruchendur.

(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 Subordinate Judge, Thiruchendur shall obtain a copy of any one of identity proofs to ensure their identity;



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(iii) The petitioner shall furnish his residential address and mobile number to the learned Subordinate Judge, Thiruchendur;

(iv) The petitioner shall appear before the learned Subordinate Judge, Thiruchendur, on all working days, at 10.30 am, until further orders;

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

(vi) 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;

(vii) 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;

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

(ix) On breach of any of the aforementioned conditions, the learned Subordinate Judge, Thiruchendur, 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/-
04/04/2025

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/04/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

To

1. The Subordinate Judge, Thiruchendur.
2. The Superintendent, Central Jail,
Palayamkottai, Thirunelveli.
3. The Inspector of Police,
Thattarmadam Police Station,
Thoothukudi District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER
IN
CRL OP(MD) No.6262 of 2025
Date :04/04/2025

MK/SAR /04.04.2025 5P/5C

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