



CRL OP (MD) No.6900 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17.04.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.6900 of 2025

Manikandan @ Bunk Mani

... Petitioner/Sole Accused

Vs

The State of Tamil Nadu
Rep. by the Inspector of Police,
Avaniyapuram Police Station,
Madurai City.
Crime No.320 of 2017

... Respondent/Complainant

For Petitioner : Mr.S.Maya Perumal
Advocate

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- To enlarge the petitioner/sole accused on bail in connection with C.C.No.158 of 2018 on the file of the learned District and Sessions Judge (Communal Clash Cases Court), Madurai relating to Crime No.320 of 2017 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 15.04.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioner/sole accused was surrendered and remanded to judicial custody on 12.02.2025 based on the Non-Bailable Warrant (NBW) issued by the learned District and Sessions Judge (Communal Clash Cases Court), Madurai. The petitioner is facing trial in C.C.No.158 of 2018 on the file of the learned District and Sessions Judge (Communal Clash Cases Court), Madurai for the alleged offences punishable under Sections 8(c) and 20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985, in connection with Crime No.320 of 2017 on the file of the respondent-police. Since the petitioner has not appeared before the Trial Court on 07.02.2025, Non-Bailable Warrant (NBW) was issued against the petitioner and the same was executed on 12.02.2025.

3. Mr.S.Maya Perumal, learned counsel appearing for the petitioner, submits that when the case was posted for trial on 07.02.2025, due to illness, the petitioner was unable to appear before the Trial Court. He further submits that the petitioner voluntarily surrendered on 12.02.2025 and filed a petition for re-calling warrant and the petitioner had annexed Medical Certificate also. The Trial Judge, without



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appreciating the Medical Certificate, dismissed the said petition and sent the petitioner to prison. He however submits that the petitioner is ready to abide by any condition that may be imposed by this Court. He therefore prays to grant bail to the petitioner.

4. Per contra, Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the respondent-police, submits that the reason stated by the Trial Court while dismissing the petition for re-calling the warrant is that the petitioner was irregular in attending the Court. He further submits that now, the case is at trial stage, and therefore, at this stage, if bail is granted to the petitioner, he may abscond and delay the trial proceedings. Accordingly, he prays to dismiss the Criminal Original Petition.

5. Heard on both sides and perused the records.

6. Admittedly, bail had already been granted to the petitioner. The reason stated by the petitioner for his non-appearance on 07.02.2025 is his illness. The petitioner voluntarily appeared before the Trial Court on 12.02.2025 to recall the warrant. Since the petition filed by the petitioner was dismissed by the Trial Court, he was remanded to judicial custody. In view of the facts and circumstances of the case, this Court is of the opinion that one more opportunity may be granted to the petitioner to appear and co-operate with the trial. Further, the petitioner has permanent residence



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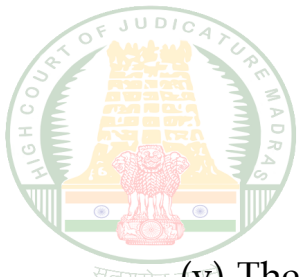
and therefore, there is less possibility of absconding. Hence, this Court is inclined to grant bail to the petitioner, however, subject to certain conditions. Accordingly, bail is granted to the petitioner subject to the following conditions:

(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 District and Sessions Judge (Communal Clash Cases Court), Madurai;

(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 District and Sessions Judge (Communal Clash Cases Court), Madurai 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 District and Sessions Judge (Communal Clash Cases Court), Madurai;

(iv) The petitioner shall appear and sign before the learned District and Sessions Judge (Communal Clash Cases Court), Madurai, weekly twice i.e., on Monday and Friday at 10.30 a.m., until further orders. The petitioner shall appear before the District and Sessions Judge (Communal Clash Cases Court), Madurai on all hearing dates without fail;



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(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 which 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; and

(viii) On breach of any of the aforementioned conditions, the learned District and Sessions Judge (Communal Clash Cases Court), Madurai 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].

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

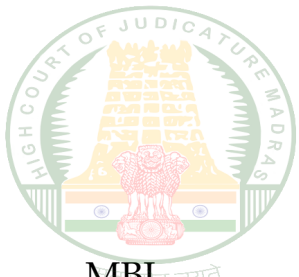
sd/-

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



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1 THE DISTRICT AND SESSIONS JUDGE (COMMUNAL CLASH CASES COURT),
MADURAI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

3 THE INSPECTOR OF POLICE,
AVANIYAPURAM POLICE STATION,
MADURAI CITY.

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

+1 CC to M/s.S.MAYAPERUMAL, Advocate (SR-4388[I] dated 17/04/2025)

ORDER IN
CRL OP(MD) No.6900 of 2025
Date :17/04/2025

SA/SAR. /17.04.2025/6P/6C

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