



CRL OP (MD) No.7013 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.7013 of 2025

Sekar

... Petitioner/ Accused No.1

Vs.

The State of Tamil Nadu  
Rep. by the Inspector of Police,  
Vadamadurai Police Station,  
Vadamadurai,  
Dindigul District.  
(Crime No.130 of 2022)

... Respondent/Complainant

For Petitioner : Mr.N.Pragalathan,  
Advocate

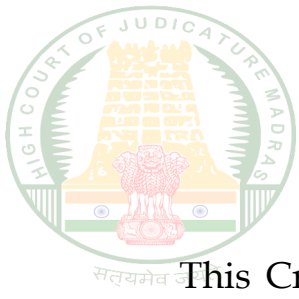
For Respondent : Mr.R.Meenakshi Sundaram,  
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

To enlarged the petitioner on bail in the case in C.C.No.142 of 2023 on the file of the Communal Clash Cases Court, Madurai in connection with Crime No.130 of 2022 on the file of the Respondent-Police.

ORDER : The Court made the following order :-



CRL OP (MD) No.7013 of 2025

WEB COPY

This Criminal Original Petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanita (BNSS), 2023 seeking bail.

2. The petitioner is facing trial in C.C.No.142 of 2023 on the file of the Communal Clash Cases Court, Madurai for the alleged offences punishable under Sections 8(c), 20(b)(ii)(B), 25 of NDPS Act in connection with Crime No.130 of 2022 on the file of the respondent-police. Since the petitioner failed to appear before the Trial Court on 10.02.2025, Non-Bailable Warrant was issued, and the same was executed on 10.03.2025 by remanding the petitioner to judicial custody.

3. Mr.N.Pragalathan, learned counsel for the petitioner, submits that the petitioner was arrested in connection with the another case in Crime No.418 of 2024, and later, he was released on bail vide order dated 04.02.2025 made in Cr.M.P.No.286 of 2025 on the file of the Principal Special Court for NDPS Act cases, Madurai. Further, he submits that pursuant to the bail order, the petitioner appeared before Vedasanthur Police Station, and hence, the petitioner was unable to appear before the Trial Court on 10.02.2025. He further submits that the Trial Court, without properly appreciating the facts and circumstances, refused to recall the warrant and sent the petitioner to prison. Accordingly, the learned counsel for the petitioner prays to allow this petition.

4. Per contra, Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor



CRL OP (MD) No.7013 of 2025

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appearing for the respondent-police, submits that the petitioner was irregular in attending the case. He further submits that the petitioner has four previous cases, which are similar in nature, and that out of four cases, one of the cases was disposed of. He further submits that the petitioner filed a petition under Section 355 of BNSS to condone the absence of the petitioner on 10.02.2025, wherein it had been stated that the petitioner was suffering from viral fever. In view of the facts and circumstances, the Trial Court dismissed the petition filed by the petitioner under Section 355 of BNSS. He further submits that if bail is granted to the petitioner, he may abscond and thereby, delay the trial proceedings. Accordingly, he strongly opposes to allow this Criminal Original Petition.

5. Heard on both sides and perused the records.

6. It is learnt that the petitioner was arrested in connection with another case in Crime No. 418 of 2024 and thereafter, released on bail vide order dated 04.02.2025, passed by the Principal Special Court for NDPS Act Cases, Madurai in Cr.M.P.No.286 of 2025. As per the bail order, the petitioner appeared before Vendasandhur Police Station. Hence, the petitioner was unable to appear before the Trial Court on 10.02.2025. The reason assigned by the petitioner is satisfied. Hence, with a view to uphold the principles of natural justice and to ensure a fair trial, this Court is inclined to grant bail to the petitioner, however, subject to certain conditions. Accordingly,



CRL OP (MD) No.7013 of 2025

bail is granted to the petitioner subject to the following conditions:

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(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 Sessions 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 Sessions 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 furnish his residential address and mobile number to the learned Sessions Judge, Communal Clash Cases Court, Madurai District;

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



CRL OP (MD) No.7013 of 2025

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 also not directly or indirectly cause threat to the witnesses; and

(ix) On breach of any of the aforementioned conditions, the learned Sessions 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].

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

sd/-  
17/04/2025

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17/04/2025

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

LR  
To

1. The Communal Clash Cases Judge, Madurai District.
2. The Superintendent, Central Prison, Madurai District.



**CRL OP (MD) No.7013 of 2025**

3. The Inspector of Police, Vadamadurai Police Station, Vadamadurai, Dindigul District.

4. The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.N.PRAGALATHAN, Advocate ( SR-4393[I] dated 17/04/2025 )

ORDER

IN

CRL OP(MD) No.7013 of 2025

Date :17/04/2025

NBF/SAR/ (17/04/2025) 6P/6C

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