



CRL OP(MD). No.7576 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/04/2025

PRESENT

The HONOURABLE MR. JUSTICE R. SAKTHIVEL

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Kamatchi @ Bharathi @
Barotta Bharathi

... Petitioner/Sole Accused

Vs.

The State of Tamil Nadu
Rep. by the Inspector of Police,
Kadupatti Police Station,
Madurai District.
(In Crime No.99 of 2013)

... Respondent/Complainant

For Petitioner : Mr.K.Sheenivasan, Advocate
for C.Saravana Kumar,
Advocate

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- To enlarge the petitioner on bail in the case in S.C.No.447 of 2020 on the file of the learned V District and sessions Judge, Madurai, in connection with Crime No.99 of 2013 on the file of the respondent-police.

<https://www.hmc.tn.gov.in/judis>



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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 23.04.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of bail.

2. The petitioner/Sole Accused was arrested and remanded to judicial custody on 07.12.2024 on the basis of Non-Bailable Warrant issued against him. The petitioner is facing trial in S.C.No.447 of 2020 on the file of the learned V Additional District Judge and Sessions Judge, Madurai, for the offences punishable under Sections 302, 383 and 379 of Indian Penal Code, 1860, in connection with Crime No.99 of 2013 on the file of the respondent-police.

3. The case of the prosecution is that, on 14.07.2013, the defacto complainant, viz., the Village Administrative Officer of Katchiraaeruppu, Madurai District, was informed that an abandoned male body found in a coconut grove belonged to one Subramanian. Subsequently, he proceeded to the spot at around 8:00 a.m., found the body, and lodged a complaint. During the investigation, it was revealed that the petitioner was involved in the death of the said Subramanian. Hence, the case.

4. Mr.K.Sheenivasan, learned counsel appearing for the petitioner, submits that the learned counsel on record appearing before the trial Court passed away. Since the petitioner did not aware of the date of hearing, on 12.01.2024, he failed to appear



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before the trial Court and hence, Non Bailable warrant was issued against him and the same was executed on 07.12.2024. He further submits that the petitioner has been judicial custody since 07.12.2024 and is ready to abide by any conditions that may be imposed by this Court. He further submits that if bail is granted to the petitioner, he will not abscond and will co-operate with the trial proceedings. 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, submits that a Non-Bailable Warrant was issued against the petitioner on 12.01.2024, and the same was executed on 07.12.2024, i.e., after a period of eleven months. In the meantime, the petitioner was arrested in connection with a case in Crime No.571 of 2024 on the file of the Subramaniyapuram Police Station. He further submits that the trial has now commenced, and the case is posted for trial on 30.04.2025. If bail is granted to the petitioner, he may abscond and thereby cause delay in the trial proceedings. He further submits that there is one previous case pending against the petitioner. Accordingly, he prays to dismiss this Criminal Original Petition.

6. Heard both sides and perused the records.



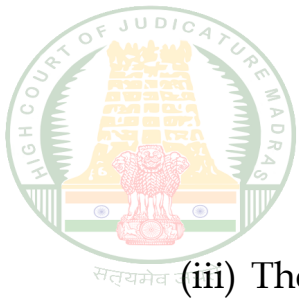
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7. The petitioner was arrested on 07.12.2024 on the basis of Non-Bailable Warrant issued against him on 12.01.2024, as he had failed to appear before the Trial Court for the hearing. The contention of the petitioner is that he did not appear on that day, i.e., 12.01.2024, as his counsel before the Trial Court had passed away, and he was unaware of the hearing date. In view of the above, this Court is of the opinion that one more opportunity may be granted to the petitioner to appear before the Trial Court and co-operate with the trial proceedings. Further, the petitioner has a permanent residence, and therefore, there is less possibility of absconding. Considering the above cumulative circumstances, the period of incarceration, and in the interest of justice, and with a view to ensuring a fair trial, this Court is inclined to grant bail to the petitioner, however, subject to certain 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 V Additional District and Sessions Judge, 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 V Additional District and Sessions Judge, Madurai, 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 V Additional District and Sessions Judge, Madurai;

(iv) The petitioner shall appear and sign before the learned V Additional District and Sessions Judge, Madurai, weekly twice (ie., on Monday and Friday) at 10.30 a.m., until further orders and on all hearing dates when the Court requires his appearance;

(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; and

(viii) On breach of any of the aforementioned conditions, the learned V Additional District and Sessions Judge, 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].



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

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

VSG

TO

1.The V Additional District and Sessions Judge,

Madurai

2.The Superintendent,

Central Prison, Madurai.

3.The Inspector of Police,

Kadupatti Police Station,

Madurai District.



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4.The Additional Public Prosecutor,

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Madurai Bench of Madras High Court,

Madurai.

ORDER

IN

CRL OP(MD) No.7576 of 2025

Date :25/04/2025

PP/SAR. /24.04.2025/7P/5C

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