



CRL OP(MD). No.7282 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/04/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.7282 of 2025

Ayyapan

... Petitioner/ Accused No.4

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Vadaseri Police Station,
Nagercoil,
Kanyakumari District.
(Crime No.72 of 2016).

... Respondent/ Complainant

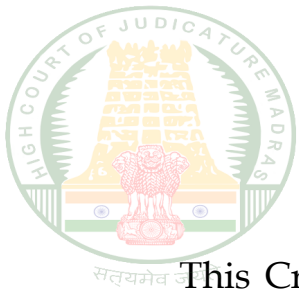
For Petitioner : Mr. S.Vignesh Shanmugam
Advocate

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

PRAYER :-

For Bail in Crime No.72 of 2016 on the file of the respondent Police.

ORDER : The Court made the following order :-



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This Criminal Original Petition has been filed by the petitioner on 17.04.2025 under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant bail.

2. The petitioner / A4, who was arrested and remanded to judicial custody on 18.10.2024 for the alleged offences under Sections 147, 342, 364, 506(ii) and 302 IPC in S.C.No.174 of 2018 on the file of the Additional Sessions Judge (FTC), Kanniyakumari District at Nagercoil in Crime No.72 of 2016 on the file of the respondent police, seeks bail.

3. The petitioner was absent during the trial in S.C.No.174 of 2018 on the file of the Additional Sessions Judge (FTC), Kanniyakumari District at Nagercoil. Hence, Non-bailable warrant came to be issued on 30.09.2024 and the same was executed on 18.10.2024. Hence, the case.

4. Mr.G.Vignesh Shanmugam, learned counsel appearing for the petitioner submits that the petitioner was suffering from viral fever and hence, he did not appear before the trial Court on 30.09.2024. Hence, Non-bailable warrant was issued against him and the same was executed on 18.10.2024. He further submits



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that the petitioner is in judicial custody from 18.10.2024 and seeks bail.

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5. Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the respondent-Police submits that already two bail petitions filed before trial Court were dismissed and this is the third bail petition. Earlier the petitioner failed to appear before the trial Court on 03.02.2023 and hence, NBW was issued the same has been executed on 31.10.2023. Thereafter, he came out on bail. Again, the petitioner did not appear before the trial Court on 11.07.2024, and NBW issued. However, the same was recalled on 21.08.2024. Subsequently, the petitioner again failed to appear before the trial Court on 30.09.2024 and hence, third time NBW was issued and the same has been executed on 18.10.2024. In such circumstances, if the petitioner is enlarged on bail, he may again abscond and thereby delay the trial proceedings. Accordingly, he prays to dismiss this Criminal Original Petition.

6. Heard both sides and perused the records.

7. The occurrence took place in the year, 2016. Till date, charge has not been framed. The petitioner and other accused adopting delay in tactics and the petitioner is wantonly and intentionally failed to appear before the trial Court. In



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view of the conduct of the petitioner as well as the co-accused and also considering
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the stage of the case, this Court is of the view that if the petitioner is released on bail,
he will abscond and thereby, delay the trial proceedings. Hence, this Court is not
inclined to enlarge the petitioner on bail.

8. Accordingly, this Criminal Original Petition is dismissed.

sd/-
22/04/2025

/ TRUE COPY /

/05/2025
Sub-Assistant Registrar (C.S.-I/ II /III/ IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO

1. THE INSPECTOR OF POLICE,
VADASERI POLICE STATION,
NAGERCOIL, KANYAKUMARI DISTRICT.

2. THE OFFICER INCHARGE.
SUB JAIL,
NAGERCOIL.



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

+1 CC to M/s.M/S.AJMAL ASSOCIATES, Advocate (SR-4590[I] dated
23/04/2025)

ORDER
IN
CRL OP(MD) No.7282 of 2025
Date :22/04/2025

VN/15.05.2025 5P/5C

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