



CRL OP (MD) No.7110 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28.04.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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Deepan

... Petitioner/ Accused No.5

Vs.

The State of Tamil Nadu
Rep. by the Inspector of Police,
Thanjavur East Police Station,
Thanjavur District.
Crime No.52 of 2018

... Respondent/ Complainant

For Petitioner : Mr.C.Senthil Murugan
Advocate

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Government Pleader

PETITION FOR BAIL Under Sec.483 of BNSS, 2023

PRAYER :-

To enlarge the petitioner on bail in the case in S.C.No.260 of 2022, on the file of the learned II Additional District and Sessions Judge, Thanjavur in connection with Crime No.52 of 2018 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 16.04.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant bail.

2. The petitioner was arrested and remanded to judicial custody on 28.03.2025 on the basis of Non-Bailable Warrant issued against him. He is facing trial in S.C.No.260 of 2022 on the file of the learned II Additional District and Sessions Judge, Thanjavur, for offences punishable under Sections 120(b), 294(b), 341, and 302 of the Indian Penal Code, 1860, in connection with Crime No. 52 of 2018 on the file of the respondent police.

2.1. When the case was posted on 08.02.2023 for the appearance of the parties, the petitioner failed to appear, and consequently, the Trial Court issued Non-Bailable Warrant against him on 18.04.2023. The petitioner later surrendered before the Trial Court, following which the warrant was recalled.

2.2. Subsequently, when the case was posted for framing of charges on 12.09.2024, the petitioner again failed to appear, and another Non-Bailable Warrant was issued on the same day. The petitioner filed a petition under Section 317 of the Criminal Procedure Code, 1973, seeking exemption from personal appearance, but the same was dismissed. The warrant was eventually executed on 28.03.2025, and



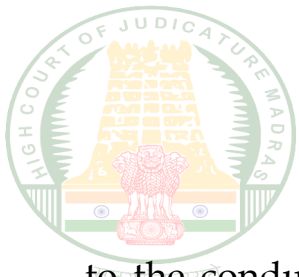
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the petitioner was arrested.

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3. Mr.C.Senthil Murugan, the learned counsel appearing for the petitioner, submits that on 12.09.2024, the counsel appearing for the petitioner before the Trial Court had filed a petition under Section 317 of the Criminal Procedure Code, 1973. However, the Trial Court, without properly appreciating the facts and circumstances of the case, dismissed the said petition and issued Non-Bailable Warrant, which was subsequently executed on 28.03.2025. The learned counsel further submits that, except for the petitioner, A1 to A4 have already been enlarged on bail. He further submits that the petitioner is ready to abide by any condition that may be imposed by this Court and undertakes to co-operate with the Trial Court for the smooth conduct of the trial. He therefore prays to grant bail to the petitioner.

4. Per contra, Mr.R.Meenakshi Sundaram, the learned Additional Government Pleader appearing for the respondent-police, submits that on an earlier occasion, the petitioner failed to appear before the Trial Court, pursuant to which Non-Bailable Warrant was issued and subsequently recalled. He further submits that on 12.09.2024, the petitioner deliberately failed to appear before the Trial Court, and hence, another Non-Bailable Warrant was issued, which was executed on 28.03.2025. The learned counsel further submits that the case is presently posted for framing of charges. He further submits that the occurrence took place in the year 2018, and due



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to the conduct of the petitioner and the other accused persons, charges have not been framed till date. It is also submitted that if bail is granted to the petitioner at this stage, the petitioner may abscond, thereby causing further delay in the trial proceedings. He further submits that the petitioner has three previous cases. Accordingly, he prays to dismiss this Criminal Original Petition.

5. Heard on both sides and perused the records.

6. The petitioner was arrested and remanded to judicial custody on 28.03.2025 pursuant to the execution of Non-Bailable Warrant issued against him, as he failed to appear before the Trial Court on 12.09.2024. The contention of the petitioner is that, as he was unable to appear on 12.09.2024, he had instructed his counsel to file a petition under Section 317 of the Criminal Procedure Code, 1973, seeking exemption from personal appearance. However, the said petition was dismissed, and consequently, the Trial Court issued the Non-Bailable Warrant. 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. Considering the same and taking note of the period of incarceration, 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.25,000/- (Rupees Twenty Five



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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 II Additional District and Sessions Judge, Thanjavur;

(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 II Additional District and Sessions Judge, Thanjavur 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 II Additional District and Sessions Judge, Thanjavur;

(iv) The petitioner shall appear and sign before the learned II Additional District and Sessions Judge, Thanjavur 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 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 II Additional District and Sessions Judge, Thanjavur 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/-
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Sub-Assistant Registrar (CS-I/II/III/IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

MBI

TO

1. THE II ADDITIONAL DISTRICT AND SESSIONS JUDGE,
THANJAVUR.
2. THE OFFICER IN-CHARGE,
DISTRICT PRISON, THANJAVUR.
3. THE INSPECTOR OF POLICE,
THANJAVUR EAST POLICE STATION,
THANJAVUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER IN
CRL OP(MD) No.7110 of 2025
Date :28/04/2025

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