



CRL OP (MD) No.7574 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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Prince

... Petitioner/Sole Accused

Vs.

The State of Tamil Nadu
Rep. by the Inspector of Police,
Colachel Police Station,
Kanyakumari District.
(In Crime No.103 of 2014)

... Respondent/Complainant

For Petitioner : Mr.R.Murugappan,
Advocate

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- To enlarge the petitioner on bail in the case in S.C.No.252 of 2017, on the file of the Fast Track Mahila Court, Nagercoil, Kanyakumari District @ Nagercoil in Crime No.103 of 2014 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 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 09.12.2024 on the basis of Non-Bailable Warrant issued against him. The petitioner is facing trial in S.C.No.252 of 2017 on the file of the learned Judge, Fast Track Mahila Court, Nagercoil, Kanyakumari District at Nagercoil, for the offences punishable under Sections 447, 294(b), 323, 506(ii), 379, 387 of Indian Penal Code, 1860, Section 3(1) of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992, and Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act, 1998, in connection with Crime No.103 of 2014 on the file of the respondent-police.

3. Since the petitioner did not appear before the learned Judge, Fast Track Mahila Court, Nagercoil, Kanyakumari District at Nagercoil, on 30.09.2024, Non-Bailable Warrant was issued against him. Thereafter, the petitioner was arrested and remanded to judicial custody on 09.12.2024.

4. Mr.R.Murugappan, learned counsel appearing for the petitioner, submits that the petitioner has nothing to do with the alleged offences and that he has been falsely implicated in this case. He further submits that the petitioner has been in judicial

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



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custody since 09.12.2024 i.e., for more than 135 days, and he is ready to abide by any stringent 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. Accordingly, he prays to grant bail to this petitioner.

5. *Per contra*, Mr.K.Sanjai Gandhi, learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that initially, the case was posted for appearance on 01.03.2023, but the petitioner failed to appear before the Trial Court. Hence, the learned Judge, Fast Track Mahila Court, Nagercoil, Kanyakumari District, issued Non-Bailable Warrant against the petitioner on 01.03.2023, which was executed on 03.08.2023. Thereafter, the petitioner again failed to appear on 30.09.2024, and consequently, a Non-Bailable Warrant was issued on the same day, which was executed on 09.12.2024 by arresting the petitioner. He further submits that the petitioner has six previous cases, and therefore, if bail is granted to the petitioner, he may abscond, thereby causing delay in the trial proceedings. Accordingly, he prays to dismiss this Criminal Original Petition.

6. Heard both sides and perused the records.

7. The petitioner was arrested only on the basis of Non-Bailable Warrant issued against him on 30.09.2024, as he did not appear before the Trial Court. From the records, it is seen that the petitioner has six previous cases. The present case was



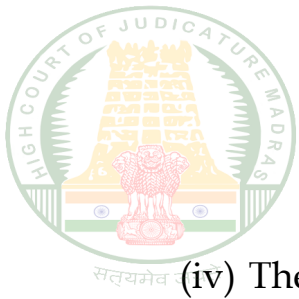
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registered in the year 2017. After 2017, no cases have been registered against the
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petitioner. Considering the above and also the period of incarceration, this Court is of
the opinion that one more opportunity may be granted to the petitioner to appear
before the Trial Court and co-operate with the trial proceedings. Further, the
petitioner has 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 Judicial Magistrate No.II, Eraniel;

(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 Judicial Magistrate No.II, Eraniel, 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 Judicial Magistrate No.II, Eraniel;



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(iv) The petitioner shall appear and sign before the learned Judicial Magistrate No.II, Eraniel, on all working days, at 10.30 a.m., until further orders. The petitioner shall also appear before the Trial Court on all hearing dates when the Trial 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;

(viii) The petitioner shall not, directly or indirectly, cause any threat to the defacto complainant and witnesses; and

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate No.II, Eraniel, 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 Judicial Magistrate No.II,
Eraniel.
2. The Chief Judicial Magistrate,
Kanyakumari District.
- 3.The Judge, Fast Track Mahila Court,
Nagercoil, Kanyakumari District.
- 4.The Officer-In-Charge,
Sub Jail, Nagercoil.
- 5.The Inspector of Police,
Colachel Police Station,
Kanyakumari District.
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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ORDER
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Date :25/04/2025

PP/SAR. /24.04.2025/7P/8C

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