



CRL OP(MD). No.9721 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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(Criminal Jurisdiction)

Date : 11.06.2025

PRESENT

The HONOURABLE MR.JUSTICE P.VADAMALAI

CRL OP(MD). No.9721 of 2025

Lathif Moulana,
S/o.Raja Mohammed

...Petitioner / Accused No.1

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Dindigul Taluk Police Station,
Dindigul District.
(Crime No.1051 of 2021)

... Respondent/ Complainant

For Petitioner : M/s.P.Krishnaveni,
Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate
(Criminal Side)

PETITION FOR BAIL Under Sec.483 of BNSS, 2023.

PRAYER :- For Bail in Crime No.1051 of 2021 on the file of the respondent police.



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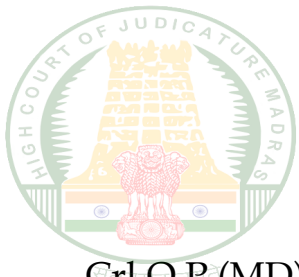
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ORDER : The Court made the following order :-

The petitioner / accused, who was arrested and remanded to judicial custody on 12.01.2024. The petitioner was facing trial before learned Additional District and Sessions Judge, Dindigul in S.C.No.78 of 2022 for the offences punishable under Sections 294(b), 302 read with Sections 34, 120(B) and 109 of the Indian Penal Code, 1860, in Crime No.1051 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner, along with his friends, conspired and, in furtherance of the said conspiracy, committed a murder at Kotiyapatti Road. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He would further submit that a false case has been foisted against the petitioner. He would further submit that the petitioner was arrested on 12.01.2024. He would further submit that due to non-appearance of the petitioner before the learned Additional District and Sessions Court, Dindigul, on 13.09.2023, a Non-Bailable Warrant (N.B.W.) was issued against him. Pursuant to the execution of the said N.B.W., he was arrested by the respondent police and was remanded to judicial custody on 12.01.2024. Subsequently, he filed a bail application before this Court in



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CrI.O.P.(MD) No.4947 of 2024, which was dismissed on 15.04.2024. Thereafter, he filed another petition in CrI.O.P.(MD) No.10138 of 2024, which was allowed on 27.08.2024. The petitioner had duly produced the sureties as directed. However, he could not be released, as he was also in judicial custody in another case, namely S.C. No.75 of 2024. While this was the situation, the respondent police obtained a Prisoner Transit (PT) Warrant in the present case and produced the petitioner on 21.11.2024 for trial. However, on 05.12.2024, the respondent police informed the Trial Court that the petitioner would be produced on PT Warrant, but failed to do so. Consequently, a fresh Non-Bailable Warrant was issued against the petitioner, and he was once again remanded on 27.02.2025 before the Additional District and Sessions Judge, Dindigul – despite no fault on his part. He would further submit that he was not absconding or at large, but was continuously in judicial custody. It was the responsibility of the respondent police to produce him before the concerned court, and their failure to do so led to the issuance of the second warrant unjustly. He would further submit that the petitioner is in custody from 12.01.2024. Hence, he seeks bail.

4. The learned Government Advocate (Criminal Side) would submit that the petitioner was already granted bail by this Court on 27.08.2024 in CrI.O.P.(MD) No.10138 of 2024. However, due to his non-appearance, a fresh Non-Bailable



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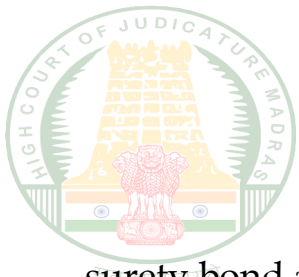
Warrant was issued against him, and he was subsequently remanded again on 27.02.2025 before the Additional District and Sessions Judge, Dindigul. He would further submit that the petitioner is also involved in another case in Crime No.363 of 2018, registered for the offences punishable under Sections 302 and 506(ii) of IPC, and the said case is currently pending. He, however, contends that if bail is granted to the petitioner, there is a likelihood that he may evade the trial proceedings and tamper with the evidence. He, therefore, opposes the grant of bail to the petitioner.

5. This Court has heard the learned counsel on both sides and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and the nature of the offence allegedly committed by the petitioner and also taking into consideration the period of incarceration and also considering the stage of the case, this court is inclined to grant bail to the petitioner, however, subject to the following conditions:

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Additional District and Sessions Judge, Dindigul and on further conditions that:-

[a] the sureties shall affix their photographs and Left Thumb Impression in the



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surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass
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Book to ensure their identity.

[b] the petitioner shall furnish his residential address and mobile number to the learned Additional District and Sessions Judge, Dindigul. If the petitioner changes his residential address, he shall report the same to the learned Additional District and Sessions Judge, Dindigul.

[c] the petitioner shall appear and sign before the learned Additional District and Sessions Judge, Dindigul on all working days at 10.30 a.m. until further orders.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS, 2023.

8. In the result, this Criminal Original Petition is allowed subject to the



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conditions stated supra.

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

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TO

1. The Additional District and Sessions Judge,
Dindigul.
2. The Superintendent,
Central Prison,
Trichy.
3. The Inspector of Police,
Dindigul Taluk Police Station,
Dindigul District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.P.KRISHNAVENI, Advocate (SR-6189[I] dated 11/06/2025)

ORDER
IN

CRL OP(MD) No.9721 of 2025
Date :11/06/2025

HPS/11.06.2025 /6P/6C

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