



CRL OP(MD). No.8906 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/06/2025

PRESENT

THE HONOURABLE MR.JUSTICE P. VADAMALAI

CRL OP(MD). No.8906 of 2025

Ayyappan,
S/o.Moorthy,

..Petitioner/ Accused No.2

Vs

The State of Tamil Nadu,
Rep.by The Inspector of Police,
Natchiyarkovil Police Station,
Thanajvur District.
(Crime No.374of 2014)

.. Respondent/Complainant

For Petitioner : M/s.M.Ponaravindh
Advocate.

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- For Bail in Crime No.374 of 2014 on the file of the Respondent Police.

ORDER : This Court made the following order :-

The petitioner / Accused No.2, who was arrested and remanded to judicial



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custody on 24.07.2024 for the offences punishable under Sections 147,120(b), 148, 364

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& 302 of IPC in Crime No.374 of 2014 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that it is the case of murder, this petitioner and other accused persons murdered the deceased. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner was taking treatment for his ailment in the Month of January 2024, he was unable to appear before the trial Court on 09.01.2024. Hence, the trial Court had issued NBW and the same was executed on 24.07.2024. The Non-appearance of the petitioner before the Trial Court is neither willful nor wanton, but for the above stated reason. The petitioner is ready and willing to abide any conditions that may be imposed by this Court. He further submits that the petitioner undertakes that he will not abscond and he will regularly appear before the Trial Court on hearing dates without fail. He would further submit that the petitioner is in custody from 24.07.2024 nearly 1 ½ year. Hence, he seeks bail.

4. The learned Government Advocate (Criminal Side) would submit that this case has been registered in Cr.No.374/2014 U/Sec. 302 IPC 147, 148, 324, 341, 302 r/w 109 of IPC against the petitioner and others and the same was taken on file as S.C.No.34/2020 and pending before the Additional District and Sessions Judge,



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(Fast Track Court) Kumbakonam. One of the Accused A5 Manikandan @ Laly Manikandan approached for bail before this Court in Crl OP (MD) No.1890 of 2023 dated 07.02.2023, this Honourable Court dismissed the petition and directed the trial Court to complete the trial of this case within a period of three months from the date of receipt of a copy of this order. Hence, the trial Court had issued proceedings on 29.09.2023 to bind over the witnesses for trial.

4.1. After examination of the witnesses there is no progress since the accused are absconding one after another. NBW was issued against A1 on 21.11.2023 and executed on 27.11.2024. NBW was issued against A2, A4 on 09.01.2024 and A4 surrendered and recalled the NBW on 10.04.2024. NBW issued against A2 was executed on 24.09.2024. NBW were issued against A3, A6, A7 on 30.07.2024. A6 and A7 surrendered on 14.08.2024 and NBW against A6, A7 were recalled. A3 surrendered and remanded on 04.10.2024. Now A1, A2 this petitioner, A3 and A5 are in Judicial custody. Due to the absence of the accused one after another and the changing of advocates frequently when witnesses turned up, the trial could not be completed. Further this A2 Ayyappan filed Crl.O.P (M.D) No.21245 of 2023 and Crl.MP. (MD) No. 16627 of 2023 before this Court under 482 Cr.P.C. to transfer the case to any other Court, and this Court dismissed the petition on 18.12.2023. But this



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petitioner/accused absconded and absent continuously and NBW was issued
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against him and he was remanded to judicial Custody on execution of NBW.

4.2. Apart from this case, nine criminal cases are pending against the petitioner in various police station and further H.S. No. 32/2016 is also maintained against the petitioner and his activities are monitored by Eravenchery P.S. In this case already PW.1 to PW.25 were examined and the case is posted for the examination of Investigation Officer on the prosecution side. This case is pending due to the continuous non-appearance of the accused one after another and now after securing all the accused, the trial commenced and reached its finality by examining all the witnesses and only Investigation Officer to be examined. There is no change in circumstances of the case. It is the case of the year 2014, if bail is granted to the petitioner, he may abscond and thereby cause a delay in the trial proceedings. Hence, he objected to grant bail to the petitioner.

5. Taking into consideration of the facts and circumstances of the case and also taking note of the fact that nine previous criminal cases are pending against the petitioner in various police station, this case is pending due to the continuous non-appearance of the accused one after another, this petitioner/accused absconded and



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absent continuously and NBW was issued against him and he was remanded to
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judicial Custody on execution of NBW, if the petitioner is released on bail, he may
abscond and thereby cause delay in the trial proceedings, and considering the bad
antecedents of the petitioner, this Court is not inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition is dismissed.

sd/-
26/06/2025

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/08/2025
Sub-Assistant Registrar (CS-I/II/III/IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

gvn

TO

1 The Inspector of Police,
NatchiyarKovil Police Station,
Thanjavur District.

2.The Office Incharge,
District Prison, Nagapattinam, District.



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3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER
IN
CRL OP(MD) No.8906 of 2025
Date :26/06/2025

PR/07.08.2025 6P/4C

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