



CRL OP(MD). No.8646 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/05/2025

PRESENT

THE HONOURABLE MR. JUSTICE K. RAJASEKAR

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Kannan @ Kaduvetti Kannan

... Petitioner/ Accused No.6

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Kalakkadu Police Station,
Tirunelveli District.
Crime No. 538/2023

... Respondent/ Complainant

For Petitioner : Mr.N.Vignesh,
Advocate

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

To enlarge the petitioner on bail in S.C No. 332 of 2024 on the file of the learned III Additional Sessions Judge, Tirunelveli in connection with Crime No. 538 of 2023 on the file of the respondent-police.

ORDER : The Court made the following order :-

The petitioner / Accused No.6, who was arrested on the basis of non bailable warrant issued against him and remanded to judicial custody on 07.10.2024. The



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petitioner, who is facing trial in S.C No. 332 of 2024 on the file of the learned III Additional Sessions Judge, Tirunelveli, for the offences punishable under Sections 147, 148, 448, 294(b), 302 and 506(2) of I.P.C, in connection with Crime No. 538 of 2023 on the file of the respondent-police, seeks bail.

2. Since the petitioner failed to appear before the trial Court on 04.09.2024, Non Bailable Warrant was issued against him on 04.09.2024 and the same was executed on 07.10.2024.

3. The learned counsel appearing for the petitioner submits that the originally case itself was committed to the Sessions Court on 01.08.2024 and on the second hearing, the petitioner was not able to appear before the trial Court. Subsequently, the petitioner filed a petition under section 317 of Cr.P.C. to dispense with his appearance before the trial Court and the same was dismissed by the trial court. Thereafter, non bailable warrant was issued against him and within a month, the same was executed. He further submits that the petitioner has been arrested and he is languishing in jail from 07.10.2024. Therefore, he prays for grant of bail.

4. The learned Additional Public Prosecutor appearing for the respondent opposed for grant of bail on the ground that the case was committed only in the year 2024. Since the petitioner / Accused No.6 did not appear regularly before the trial Court, the trial proceedings were delayed. Hence, after dismissing the petition filed



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on his behalf under Section 317 of Cr.P.C., the learned trial judge issued a non-
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bailable warrant against the petitioner.

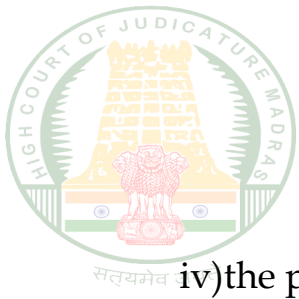
5. Considering the fact that the original case was committed in the year 2024, and in the second hearing itself, the petitioner filed a petition under Section 317 of Cr.P.C. to dispense with his appearance, and on the particular day, the same was rejected and non bailable warrant was issued against him on 04.09.2024 and the same was executed on 07.10.2024, and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner on certain conditions.

6. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on executing a bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Nanguneri;

(i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii)the petitioner shall appear and sign before the learned III Additional Sessions Judge, Tirunelveli, daily at 10.30 a.m., for a period of two weeks and thereafter, on all hearing dates, without fail;

(iii)the petitioner shall not tamper with evidence or witness;



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iv)the petitioner shall not abscond during trial.

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v)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].

sd/-
14/05/2025

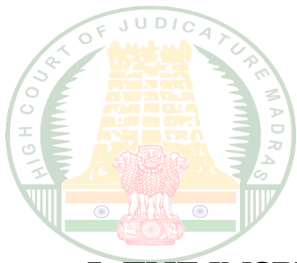
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Sub-Assistant Registrar (CS-I/II/III/IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG
TO

1. JUDICIAL MAGISTRATE, NANGUNERI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THIRUNELVELI DISTRICT.
3. III ADDITIONAL SESSIONS JUDGE, TIRUNELVELI.
4. THE SUPERINTENDENT, CENTRAL PRISON, COIMBATORE.



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5. THE INSPECTOR OF POLICE,
KALAKKADU POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1. CC to N.VIGNESH Advocate SR.No.5511 (I) DT.14/05/2025

ORDER

IN

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Date :14/05/2025

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