



CRL OP(MD). No.9792 of 2025

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

Date : 27.06.2025

PRESENT

The Hon`ble Mr.Justice P.VADAMALAI

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S.Kathiravan @ Kathir

... Petitioner/ Accused No.6

Vs

The State represented by
The Inspector of Police,
Kumbakonam East Police Station,
Thanjavur District.
(Crime No.122 of 2019)

... Respondent/
Complainant

For Petitioner : Mr.C.Suresh Kannan,
Advocate.

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

PETITION FOR BAIL Under Section 483 B.N.S.S.

PRAYER :-

For Bail in S.C.No.226 of 2022 on the file of the Additional District and Sessions Court (Fast Track), Kumbakonam, in connection with Crime No.122 of 2019 on the file of the respondent police.



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ORDER : The Court made the following order :-

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The petitioner / Accused No.6 is facing a case for the offences punishable under Sections 148, 149, 449, 302 r/w 109 IPC, in S.C.No.226 of 2022 on the file of the Additional District and Sessions Court (Fast Track), Kumbakonam, in Crime No.122 of 2019 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant had borrowed loan from the accused 1 and 2 and since the defacto complainant had failed to repay the amount, on 01.05.2019 at about 06.00 p.m., the accused 1 and 2 along with other accused went to the glossary shop of the defacto complainant and attacked his son Arun @ Akash with aruval and as a result of which, the said Arun succumbed to the injuries. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that after completion of investigation, the respondent police has filed a charge sheet and the same was taken on file in S.C.No.226 of 2022 on the file of the Additional District and Sessions Court (Fast Track), Kumbakonam. On 29.07.2024, the petitioner failed to appear before the trial Court. Therefore, on the same day itself, Non-Bailable Warrant (NBW) was issued against the petitioner. On 22.08.2024, the warrant was executed and the petitioner was arrested and remanded into judicial custody. Due to the ill-health of the petitioner, he is not able to appear before the trial Court on



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29.07.2024. The Non-appearance of the petitioner before the Trial Court is neither willful nor wanton. 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 22.08.2024 nearly 10 months. Hence, he seeks bail.

4. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that the petitioner failed to appear before the trial Court, due to which the trial Court has issued a Non-Bailable Warrant (NBW) to the petitioner. The petitioner was arrested and remanded to judicial custody on 22.08.2024. In this case, charge sheet filed and the same was numbered as S.C.No.226 of 2022. Due to money transaction dispute, the accused persons had murdered the defacto complainant's son and on the basis of the confession given by the co-accused, the petitioner was implicated. The petitioner is having 9 previous cases but not similar in nature. However, he strongly 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 in this case, trial was commenced and the case is pending for examination of L.Ws.10, 16, 18 and 22 to 25, considering the undertaking given by the learned counsel appearing for the petitioner and the petitioner remanded



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into judicial custody on 22.08.2024, taking into consideration of the period of
WEB COPY
incarceration, this court is inclined to grant bail to the petitioner, subject to the
following conditions:

6. Accordingly, the petitioner is ordered to be released on bail on 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 Additional District and Sessions Judge, Kumbakonam, Thanjavur District and on further conditions that :-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] The petitioner shall furnish his residential address and contact number to the Additional District and Sessions Court, Kumbakonam, Thanjavur District. If the petitioner changes his residential address, he shall report the same to the Additional District and Sessions Court, Kumbakonam, Thanjavur District;

[c] the petitioner shall appear and sign before the respondent police daily two times at 10.00 a.m. and 05.00 p.m., except on hearing dates, until further orders; and on hearing dates the petitioner shall appear before the trial Court;

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



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सत्यमेव जयते [e] the petitioner shall not tamper with evidence or witness either during
WEB COPY 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]; and

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

sd/-
27/06/2025

/ TRUE COPY /

/06/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CSM

TO

1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,
KUMBAKONAM, THANJAVUR DISTRICT

2 DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT.

5/6



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3 THE SUPERINTENDENT,
DISTRICT JAIL,
PUDUKKOTTAI.

4 THE INSPECTOR OF POLICE,
KUMBAKONAM EAST POLICE STATION,
THANJAVUR DISTRICT.

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

ORDER
IN
CRL OP(MD) No.9792 of 2025
Date :27/06/2025

NM/27.06.2025 6P/6C

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