



CRL OP(MD).No.10709 of 2025

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

Date : 08/07/2025

PRESENT

THE HONOURABLE MR. JUSTICE P. VADAMALAI

CRL OP(MD).No.10709 of 2025

Dineshkumar,
S/o.Murugesan,

..Petitioner/ Accused No.2

Vs

The State of Tamilnadu
rep.by The Inspector of Police,
Muthaiahpuram Police Station,
Thoothukudi District.
(Crime No.125 of 2019)

.. Respondent/Complainant

For Petitioner : Mr.A.Mohamed Arif
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.125 of 2019 on the file of the Respondent Police.



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ORDER : This Court made the following order :-

The petitioner / Accused No.2 , who was arrested and remanded into judicial custody on 14.06.2024 for the offences punishable under Sections 341, 342, 294(b), 302, 506(ii) of IPC in Crime No.125 of 2019 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 07.04.2019, at about 8.30p.m. the petitioner along with other accused restrained and confined the deceased and abused in filthy language and murdered the deceased by attacking with sticks and stones. Hence, the case.

3. The learned counsel 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 as S.C.No.261 of 2020 on the file of the learned I Additional District and Sessions Judge, Thoothukudi. On 20.04.2021, this petitioner failed to appear before the trial Court. Therefore, on the same day itself, a Nonailable Warrant was issued against the petitioner. On 14.06.2024, the warrant was executed and the petitioner



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was arrested and remanded into judicial custody. Due to life threat, the petitioner went out of Thoothukudi and he did not appear before the trial Court on 20.04.2021.

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 14.06.2024 nearly one year. Hence, he seeks bail.

4. The learned Government Advocate (Criminal Side) would submit that the petitioner failed to appear before the trial Court, due to which the trial Court has issued a Non-Bailable Warrant to the petitioner. The petitioner was arrested and remanded to judicial custody on 14.06.2024. In this case, charge sheet filed and the same was numbered as S.C.No.261 of 2020 on the file of the I Additional District and Sessions Judge, Thoothukudi District. In the said case, P.W.1 to P.W.6 were examined, the P.W.1 to 5 were turned hostile. In this case, there are totally two accused, this petitioner was arrayed as A2. Hence, he objected to grant bail to the petitioner.



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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, P.W.1 to 6 were examined and P.W.1 to P.W.5 were turned hostile, considering the undertaking given by the learned Counsel for the petitioner, the petitioner/accused No.2 remanded into judicial custody on 14.06.2024, taking into consideration of the period of 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 I Additional District and Sessions Judge, Thoothukudi 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 I Additional District and Sessions Judge, Thoothukudi. If the petitioner changes



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his residential address, he shall report the same to the I Additional District and
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Sessions Judge, Thoothukudi;

[c] the petitioner shall appear and sign before the respondent police daily at 10.30a.m., except on hearing dates, until further orders, the petitioner shall appear before the concerned Trial court on hearing dates.

[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].



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

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sd/-
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08/07/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

GVN

TO

1. THE I ADDITIONAL DISTRICT AND SESSIONS JUDGE,
THOOTHUKUDI.
2. THE OFFICER INCHARGE,
DISTRICT PRISON, PERURANI, THOOTHUKUDI.
3. THE INSPECTOR OF POLICE,
MUTHAIAHPURAM POLICE STATION,
THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



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ORDER
IN
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Date :08/07/2025

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