



CRL OP(MD).No.11100 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/07/2025

PRESENT

THE HONOURABLE MR. JUSTICE P. VADAMALAI

CRL OP(MD).No.11100 of 2025

Soundar @ Soundarapandi,
S/o.Vasimalai,

..Petitioner/ Accused No.1

Vs

The State of Tamilnadu
rep.by The Inspector of Police,
Elumalai Police Station,
Madurai District.
(Crime No.371 of 2017)

.. Respondent/ Complainant

For Petitioner : Mr.T.Palanisamy
Advocate.

For Respondent : Mr.M.Karunanithi
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- For Bail in Crime No.371 of 2017 on the file of the Respondent Police.



CRL OP(MD).No.11100 of 2025

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ORDER : This Court made the following order :-

The petitioner / Accused , who was arrested and remanded into judicial custody on 02.06.2025 for the offences punishable under Sections 147, 148, 294(b), 323, 353, 379, 307, 506(2) of IPC in Crime No.371 of 2017 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 24.09.2017, the respondent police were patrolling around 04.30p.m. To prevent sand theft in government outlying areas and streams in the rural areas of Seelanayakkanpatti. At that time, one TATA ACE vehicle bearing registration No. TN 67 AC 4366 was carrying sand in 50 cement bags, the respondent police intercepted the said vehicle and asked about the properties, the accused persons started harassing the officials by using obscene words and gave life threat. Hence, the case.

3. The learned counsel for the petitioner would submit that after completion of



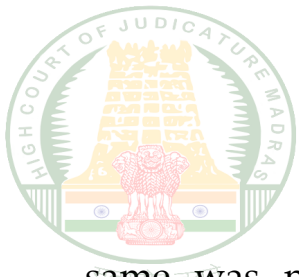
CRL OP(MD).No.11100 of 2025

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investigation, the respondent police has filed a charge sheet and the same was taken on file as S.C.No.398 of 2021 on the file of the Assistant Sessions Judge, Usilampatti.

On 28.03.2024, this petitioner failed to appear before the trial Court. Therefore, on the same day itself, a Non Bailable Warrant was issued against the petitioner. On 02.06.2025, 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 28.03.2024. On the said date, this petitioner filed an 317 Cr.P.C., but the learned trial Court dismissed the said petition and issued Non Bailable Warrant. 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 02.06.2025 nearly 31 days. 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 02.06.2025. In this case, charge sheet filed and the



CRL OP(MD).No.11100 of 2025

same was numbered as S.C.No.398 of 2021. Section.446Cr.P.C. proceedings is pending against the petitioner. In this case, totally six accused, this petitioner was arrayed as A1. Other petitioners are concerned, NBW order was recalled by the concerned Court. There is no previous case against the petitioner. However, 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 in this case, trial was commenced, considering the undertaking given by the learned Counsel for the petitioner, there is no previous case against the petitioner, the petitioner/accused No.1 remanded into judicial custody on 02.06.2025, 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 Judicial Magistrate Court No.II, Usilampatti and on further conditions that :-

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



CRL OP(MD).No.11100 of 2025

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

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[b] The petitioner shall furnish his residential address and contact number to the Judicial Magistrate Court No.II, Usilampatti. If the petitioner changes his residential address, he shall report the same to the Judicial Magistrate Court No.II, Usilampatti;

[c] the petitioner shall appear and sign before the learned Assistant Sessions Judge, Usilampatti at 10.00 a.m., on all working days 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



CRL OP(MD).No.11100 of 2025

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.

sd/-
04/07/2025

/ TRUE COPY /

04/07/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

gvn
TO

1. The Assistant Sessions Judge,
Usilampatti.
2. The Judicial Magistrate No.II,
Usilampatti.
3. Do Through The Chief Judicial Magistrate,
Madurai.
4. The Officer In-charge, Sub Jail,
Usilampatti,
Madurai District.
5. The Inspector of Police,
Elumalai Police Station,
Madurai District.
6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,

<https://www.mhc.in.gov.in/judis>



CRL OP(MD).No.11100 of 2025

Madurai.

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+1 CC to M/s.T.PALANISAMY, Advocate (SR-7134[I] dated 04/07/2025)

ORDER

IN

CRL OP(MD) No.11100 of 2025

Date :04/07/2025

HPS/04.07.2025 /7P/8C

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