



CRL OP(MD).No.12406 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/07/2025

PRESENT

THE HONOURABLE MR.JUSTICE P.VADAMALAI

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T.Shibu,
S/o.Thanga Nadar,

..Petitioner/ Accused No.1

Vs

The State of Tamilnadu
rep.by The Inspector of Police,
Thuckalay East Police Station,
Kanyakumari District.
(Crime No.869 of 2020)

.. Respondent/ Complainant

For Petitioner : Mr.C.Suresh Kannan
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.869 of 2020 on the file of the Respondent Police.

ORDER: This Court made the following order :-

The petitioner / Accused No.1, who was arrested and remanded to judicial custody on 04.07.2025 for the offences punishable under Sections 294(b), 307, 324, 341,

506(ii) of IPC in S.C.No.44 of 2024 on the file of the learned Assistant Sessions Judge,



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Padmanabhapuram, seeks bail.

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2. The case of the prosecution is that this petitioner and other accused persons were assaulted one Sujin in front of the defacto-complainant's house and the same was questioned by the defacto-complainant. Hence, there was a motive pending between the petitioner and the defacto-complainant. On 14.10.2020 at about 07.30p.m. While the defacto-complainant and his friends namely Espin after completing his work they returned back to his home, at that time, the petitioner and other accused restrain the defacto-complainant and abused in filthy language and assaulted the defacto-complainant by using Aruval. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner had failed to appear before the trial Court. On 02.07.2025, a Non-Bailable Warrant was issued against the petitioner. On 04.07.2025, the NBW warrant was executed and the petitioner was arrested and remanded into judicial custody. This petitioner is not at all intending to escape for evading from the law. The petitioner is the only breadwinner of his family, on 02.07.2025, he could not appear before the trial Court, the trial Court issued Non Bailable Warrant against him. 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



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appear before the Trial Court on hearing dates without fail. He would further submit that the petitioner is in custody from 04.07.2025 for the past 21 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 had issued Non Bailable Warrant to the petitioner. The petitioner was arrested and remanded to judicial custody on 04.07.2025. Now the trial was commenced in S.C.No.44 of 2024 on the file of the learned Assistant Sessions Judge, Padmanabhapuram, Kanyakumari District. 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 now the trial was commenced in S.c.No.44 of 2024 on the file learned Assistant Sessions Judge, Padmanabhapuram, Kanyakumari District, considering the undertaking given by the learned Counsel for the petitioner, the petitioner/accused No.1 remanded into judicial custody on 04.07.2025, 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



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sureties, each for a like sum to the satisfaction of learned Assistant Sessions Judge, Padmanabhapuram, Kanyakumari 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 learned Assistant Sessions Judge, Padmanabhapuram, Kanyakumari District. If the petitioner changes his residential address, he shall report the same to the learned Assistant Sessions Judge, Padmanabhapuram, Kanyakumari District;

[c] the petitioner shall appear and sign before the respondent police daily at 10.30a.m. except on hearing dates, until further orders; he shall also appear before the concerned trial Court on hearing dates.

[d] the petitioner shall not abscond either during 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



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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/-

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25/07/2025

Sub-Assistant Registrar

Madurai Bench of Madras High Court,
Madurai - 625 023.

gvn
TO

1 THE ASSISTANT SESSIONS JUDGE, PADMANABHAPURAM,
KANYAKUMARI DISTRICT.

2 THE OFFICER INCHARGE, DISTRICT PRISON, NAGERCOIL.

3 THE INSPECTOR OF POLICE, THUCKALAY EAST POLICE STATION,
KANYAKUMARI DISTRICT.

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

+1 CC to M/s.C.SURESH KANNAN, Advocate (SR-8027[I] dated 25/07/2025)

ORDER

IN

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Date :25/07/2025

NBF/SAR- /25/07/2025/ 5P/6C

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