



CRL OP(MD).No.12812 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/08/2025

PRESENT

THE HONOURABLE MR.JUSTICE P. VADAMALAI

CRL OP(MD).No.12812 of 2025

Kanagaraj,
S/o.Kannan,

..Petitioner/ Accused No.2

Vs

The State of Tamilnadu
rep.by The Inspector of Police,
Kumbakonam West Police Station,
Thanjavur District.
(Crime No.495 of 2017)

.. Respondent/ Complainant

For Petitioner : Mr.S.Gurumoorthy
Advocate.

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- For Bail in Crime No.495 of 2017 on the file of the Respondent Police.

ORDER : This Court made the following order :-

The petitioner / Accused No.2, who was arrested and remanded to judicial



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custody on 03.04.2025 for the offences punishable under Sections 302, 379, 342, 364, 34 of IPC in Crime No.495 of 2017 on the file of the respondent police, seeks bail.

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2. The petitioner has been charged for the offences punishable under sections 302, 379, 342, 364, 34 of IPC in Crime No.495 of 2017. The said case was pending for trial before the trial Court in S.C.No.174 of 2019. On 27.01.2025, at the time of hearing in S.C.No.174 of 2019 before the learned Additional and District & Sessions Court (Fast Track Court) Kumbakonam the petitioner was absent. Due to which, a Non Bailable warrant was issued upon the petitioner and the same was executed on 03.04.2025.

3. The learned counsel for the petitioner would submit that there are totally two accused persons, this petitioner was arrayed as Accused No.2. This petitioner met with an accident and he was unable to appear before the concerned Trial Court. The trial Court had issued NBW on 27.01.2025 and the same was executed on 03.04.2025. This petitioner is not at all intending to escape for evading from the law. Due the said reason only, the petitioner could not appear before the trial Court. The Non-appearance of the petitioner before the Trial Court is neither willful nor wanton but only due to the above said reasons. The petitioner is ready and willing



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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 03.04.2025 nearly 125 days. Hence, he seeks bail.

4. The learned Government Advocate (Criminal Side) would submit that already the trial Court issued NBW against this petitioner on 15.11.2021 and the same was executed after period of two years i.e., on 19.12.2023, after release, this petitioner again failed to appear before the trial Court. Hence, the trial Court has issued NBW against this petitioner on 27.01.2025 and the same was executed on 03.04.2025. Insofar as Crime No.495 of 2017 is concerned, the said case was committed in S.C.No.174 of 2019 on the file of learned Additional District and Sessions Court, Kumbakonam and the case is pending for the examination of witnesses. This petitioner has not co-operated with the trial proceedings and he is willfully failed to appear for the successive hearings in order to delay the trial proceedings. If the petitioner released on bail, he would not appear for further hearings. Hence, he objected to grant bail to the petitioner.

5. Taking into consideration of the facts and circumstances of the case and also



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taking note of the fact that NBW was already issued against this petitioner on 15.11.2021 and the same was executed only after a period of two years i.e., on 19.12.2023, again he failed to appear before the trial Court and the trial Court issued NBW on 27.01.2025 and the same was executed on 03.04.2025, the case in S.C.No.174 of 2019 is pending on the file of learned Additional District and Sessions Court, Kumbakonam, and the case is pending for the examination of witnesses, if the petitioner released on bail, he may threaten the witnesses and delay the trial proceedings and considering the gravity of offence, at this stage, this Court is not inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition is dismissed.

sd/-
06/08/2025

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/09/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

gvn

TO

1 The District and Sessions Court,
Kumbakonam.



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2 The Superintendent,
Central Prison ,
Trichy

3 The Inspector of Police,
Kumbakonam West
Police Station,
Thanjavur District.

4 The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.S.GURUMOORTHY, Advocate (SR-8485[I] dated 06/08/2025)

ORDER
IN

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Date :06/08/2025

NM/16.09.2025/ 5P/6C

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