



CRL OP(MD).No.13339 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08.08.2025

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD).No.13339 of 2025

Surenraj

... Petitioner

Versus

The State of Tamil Nadu, Rep. by
The Inspector of Police,
Kulasekaram Police Station,
Kanyakumari District.

... Respondent

For Petitioner : Mr.P.T.Ramesh Raja
Advocate

For Respondent : Mr.S.Prakash
Government Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

To enlarge the petitioner on bail in the event of his arrest in S.C.No.352 of 2023 on the file of the Principal Sub Court (Assistant Sessions), Padmanabhapuram.



CRL OP(MD).No.13339 of 2025

WEB COPY

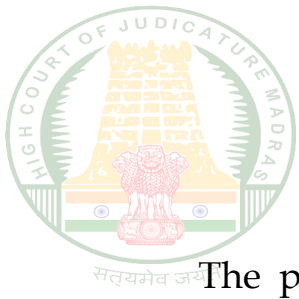
ORDER : The Court made the following order :-

The petitioner has filed this anticipatory bail petition apprehending arrest pursuant to the Non-Bailable Warrant of arrest issued as against the petitioner in S.C.No.352 of 2023 by the Principal Sub Court (Assistant Sessions), Padmanabhapuram, on 23.07.2025.

2. The petitioner is facing trial in S.C.No.352 of 2023 before the Principal Sub Court (Assistant Sessions), Padmanabhapuram, for the offence under Sections 294(b), 306 and 352 of IPC.

3. The learned counsel appearing for the petitioner submits that the petitioner was already granted bail and he was regularly appearing before the Court. However, he failed to appear before the Court on a particular date of hearing, i.e. on 23.07.2025. Therefore, the trial Court cancelled the bail and issued a Non-Bailable Warrant of arrest as against the petitioner. The learned counsel has also relied on a Judgment of the Hon'ble Supreme Court in Criminal Appeal No.383 of 2024 (Krishna Sharma @ Krishna Kumar Sharma vs. The State of West Bengal and another), wherein, the Hon'ble Supreme Court has held as under:

“5. However, we find that merely because the appellant did not appear personally could not have been a ground for cancellation of bail.



CRL OP(MD).No.13339 of 2025

WEB COPY

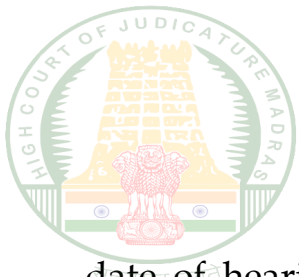
The parameters for grant of bail and cancellation of bail are totally different. The bail already granted may be cancelled, if it is found that the person who has been granted the benefit of bail has violated any of the conditions or misused the liberty by influencing the witnesses or tampering with the evidence.”

4. The learned counsel has also relied on the proceedings dated 23.07.2025 and the same is extracted as under:

“Accused absent. No representation for accused. L.W.1 to L.W.3 present. L.W.1 to L.W.3 are unable to examined due to absent of accused. Hence Bail cancelled. Issue NBW against accused.”

5. On perusal of the same, it appears that on 23.07.2025, L.W.1 to L.W.3 were present, however, the petitioner and his counsel were not present and they failed to cross examine the witnesses. Considering the manner in which the witnesses have been harassed by the petitioner, the trial Court went to the extent of cancelling the bail suo motu and also issued a Non-Bailable Warrant of arrest as against the petitioner.

6. The learned counsel appearing for the petitioner submits that it is not the fault of the petitioner. The petitioner's counsel has informed the date of adjournment as 28.07.2025 instead of 23.07.2025. Therefore, the petitioner was not aware of the



CRL OP(MD).No.13339 of 2025

WEB COPY

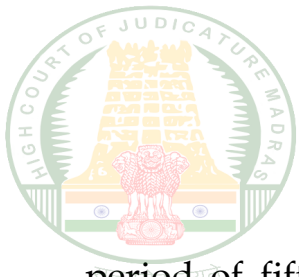
date of hearing and he was under the impression that the case was adjourned to 28.07.2025. Therefore, the petitioner as well as his counsel has failed to appear before the Court and to examine the witnesses, who were present before the trial Court.

7. The learned Government Advocate (Crl. Side) submits that it is only one hearing on 23.07.2025, the petitioner has not appeared and therefore, the trial Court has issued a Non-Bailable Warrant as against the petitioner. The learned Government Advocate (Crl. Side) is not aware of the proceedings dated 23.07.2025, wherein, the trial Court has cancelled the bail and he is also not aware of the reasons on that day, the trial Court went to the extent of cancelling the bail.

8. This Court has considered the rival submissions made.

9. The trial Court went to the extent of cancelling the bail and also issued a Non-bailable warrant on 23.07.2025. On that day, L.W.1 to L.W.3 were present, however, the petitioner and his counsel were not present. Therefore, the trial Court was left with no other option except to issue a Non-Bailable Warrant as against the petitioner. Hence, this Court is unable to find fault with the trial Court. However, considering the manner in which the bail has been granted to the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

10. Accordingly, this Criminal Original Petition is ordered and the petitioner is ordered to be released on bail in the event of arrest or on his appearance within a



CRL OP(MD).No.13339 of 2025

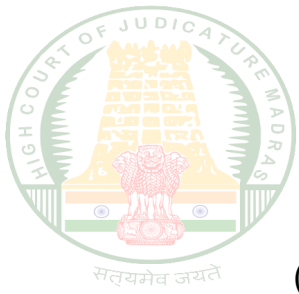
period of fifteen days from the date of receipt of a copy of this order, before the
WEB COPY
learned Judicial Magistrate/learned Judge on condition that

(i) the petitioner executes a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties each for a like sum to the satisfaction of the Principal Sub-Court (Assistant Sessions), Padmanabapuram.

(ii) The petitioner and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the government in proof of their residence address;

(iii) The petitioner shall deposit a sum of Rs.30,000/- (Rupees thirty thousand only) to the credit of S.C.No.352 of 2023 on the file of the Principal Sub Court (Assistant Session), Padmanabhapuram and shall file an application to recall L.W.1 to L.W.3. This amount of Rs.30,000/- shall be distributed by the trial Court to L.W.1 to L.W.3 equally. The petitioner has to cross examine the witnesses L.W.1 to L.W.3 on the date when the witnesses appear for hearing.

(iv) The petitioner shall appear before the trial Court in each and every hearing without fail and co-operate for trial.



CRL OP(MD).No.13339 of 2025

WEB COPY

(v) The trial Court need not entertain any of the application to condone his absence for the subsequent hearings.

(iv) The petitioner shall not misuse the liberty granted to him by indulging in any further offence and shall not tamper with the prosecution witnesses.

(v) On violation of any of the above conditions by the petitioner, the respondent police shall move an application for cancellation of the anticipatory bail.

sd/-
08/08/2025

/ TRUE COPY /

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

ogy

TO

1 The Principal Sub Court
(Assistant Session),
Padmanabhapuram.

2 The Inspector of Police,
Kulasekaram Police Station,
Kanyakumari District.

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



CRL OP(MD).No.13339 of 2025

WEB COPY

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

+1 CC to M/s.P.T.RAMESH RAJA, Advocate (SR-8718[I] dated 12/08/2025)

ORDER
IN
CRL OP(MD) No.13339 of 2025
Date :08/08/2025

AS/18.08.2025/7P/5C

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