



CRL OP(MD).No.13729 of 2025

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

Date : 25/08/2025

PRESENT

THE HONOURABLE MR.JUSTICE P.VADAMALAI

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Kamalakannan

..Petitioner/ Accused No.1

Vs

The State of Tamilnadu
rep.by The Inspector of Police,
Vadipatti Police Station,
Madurai District.
(Crime No.228 of 2024)

.. Respondent/Complainant

For Petitioner : M/s.T.Eashwar
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.228 of 2024 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



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custody on 27.06.2025 for the offences punishable under Sections 311 r/w 309(4) of BNS in Crime No.228 of 2024 on the file of the respondent police, seeks bail.

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2. The case of the prosecution is that on 02.08.2024 when the defacto complainant was on the way to his work in his two wheeler, the petitioner intercepted him and threatened him by showing knife and committed robbery of his cell phone. Hence a case in crime No.228 of 2024 was registered. Charge sheet has been filed and the case was taken on file in S.C.No.653 of 2024 on the file of the IV Additional Sessions Judge, Madurai. Since the petitioner was absent on the date of hearing on 26.02.2025 before the trial Court, non-bailable warrant was issued against the petitioner and the same was executed on 27.06.2025. Hence the petition.

3. The learned counsel for the petitioner would submit that respondent police has lodged a false complaint against this petitioner. The petitioner is an innocent person and he has not committed any offences as alleged by the prosecution. This petitioner is no way connected with this case. Due to his illness he could not appear before the trial Court and therefore, a non-bailable warrant was issued. The petitioner is ready and willing to abide any conditions that may be imposed by this Court. He would further submit that the petitioner is in custody from 27.06.2025 nearly 60 days. Hence, he seeks bail.



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4. The learned Government Advocate (Criminal Side) would submit that the bail petition of the petitioner was dismissed by the learned IVth Additional Sessions Judge, Madurai and the same was dismissed for the reason that the petitioner is a habitual offender and not co-operating with the trial. The cell phone robbed by the petitioner was recovered. The petitioner is having eight previous cases. 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 the petitioner was arrested on 27.06.2025 and he is in custody for nearly 60 days and also considering the fact that the investigation has been completed and the case in S.C.No.653 of 2024 is pending on the file of the learned IV Additional District and Sessions Judge, Madurai, and 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 learned Judicial Magistrate, Vadipatti, and on further conditions that :-



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[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.

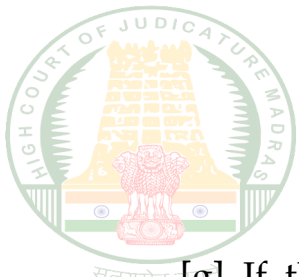
[b] The petitioner shall furnish his residential address and contact number to the learned Judicial Magistrate, Vadipatti. If the petitioner changes his residential address, he shall report the same to the learned Judicial Magistrate, Vadipatti;

[c] the petitioner shall appear and sign before the respondent police daily twice at 10.00 a.m. and 05.00 p.m., except on the hearing dates. On hearing dates, the petitioner shall appear before the concerned Court, 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 herself 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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/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

- 1.The IV Additional Sessions Judge, Madurai.
- 2.The Judicial Magistrate, Vadipatti.
- 3.Do Through The Chief Judicial Magistrate, Madurai.
- 4.The Superintendent, Central Prison, Madurai.
- 5.The Inspector of Police,
Vadipatti Police Station,
Madurai District.
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.13729 of 2025
Date :25/08/2025

HPS/26.08.2025 5P/7C

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