



CRL OP(MD).No.13772 of 2025

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

Date : 10/09/2025

PRESENT

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

CRL OP(MD).No.13772 of 2025

Kabi @ Kabilan,
S/o.Kalaimani,

..Petitioner/ Accused No.4

Vs

The State of Tamilnadu
rep.by The Inspector of Police,
Pattukottai Police Station,
Thanjavur District.
(Crime No.248 of 2017)

.. Respondent/ Complainant

For Petitioner : Mr.S.Vishnuvardhan
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- For Bail in Crime No.248 of 2017 on the file of the Respondent Police.

ORDER: This Court made the following order :-

The petitioner / Accused No.4, who was arrested and remanded into judicial



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custody on 26.03.2024 for the offences punishable under Sections 147, 148, 452, 294 (b), 326, 307, 506(2) & 120(b) of IPC in Crime No.248 of 2017 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to previous enmity this petitioner and other accused persons were trespassed into the tea shop of the defacto-complainant and attacked him with deadly weapon. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner had failed to appear before the trial Court on 18.07.2023, a Non-Bailable Warrant was issued against the petitioner. On 26.03.2024, 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. Due to his ill health, on 18.07.2023, at the time of hearing, 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 but for the above said reason. 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 26.03.2024 for the past 533 days. Hence, he seeks bail.



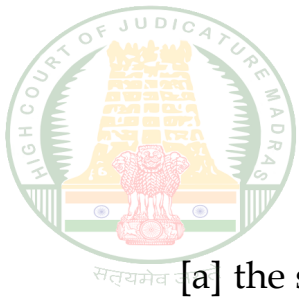
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4. The learned Government Advocate (Criminal Side) would submit that the petitioner failed to appear before the trial Court, due to which the trial Court had issued Non Bailable Warrant to the petitioner. The petitioner was arrested and remanded to judicial custody on 26.03.2024. In this case, investigation completed, charge sheet has also been filed and the same was taken on file in S.C.No.60 of 2025 on the file of the learned III Additional District and Sessions Judge, Thanjavur @ Pattukottai. 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.60 of 2025 on the file learned III Additional District and Sessions Judge, Thanjavur @ Pattukottai, considering the undertaking given by the learned Counsel for the petitioner, the petitioner/accused No.4 remanded into judicial custody on 26.03.2024, 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.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of learned III Additional District and Sessions Judge, Thanjavur @ Pattukottai 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 III Additional District and Sessions Judge, Thanjavur @ Pattukottai. If the petitioner changes his residential address, he shall report the same to the learned III Additional District and Sessions Judge, Thanjavur @ Pattukottai;

[c] the petitioner shall appear before the III Additional District and Sessions Judge, Thanjavur @ Pattukottai on hearing dates without fail and he has to co-operate for trial.

[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 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/-
10/09/2025

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10/09/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

gvn

TO:-

1. The III Additional District and Sessions Judge,
Thanjavur @ Pattukottai.
2. Superintendent, The District Jail, Pattukottai,
Thanjavur District.
3. The Inspector of Police,
Pattukottai Police Station,
Thanjavur District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER
IN
CRL OP(MD) No.13772 of 2025
Date :10/09/2025

SBN/10.09.2025 5P/5C

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