



CRL OP(MD). No.15129 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/09/2025

PRESENT

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

CRL OP(MD). No.15129 of 2025

Ayyappan,
S/o.Moorthy,

..Petitioner/ Accused No.2

Vs

The State of Tamil Nadu,
Rep.by The Inspector of Police,
Natchiyarkovil Police Station,
Thanajvur District.
(Crime No.374 of 2014)

.. Respondent/ Complainant

For Petitioner : M/s.B.Arun
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.374 of 2014 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 custody on 24.07.2024 for the offences punishable under Sections 147,120(b), 148, 364 & 302 of IPC in Crime No.374 of 2014 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that it is the case of murder, this petitioner and



CRL OP(MD). No.15129 of 2025

other accused persons murdered the deceased. Hence, the case.

WEB COPY

3. The learned counsel for the petitioner would submit that the petitioner was taking treatment for his ailment in the Month of January 2024, he was unable to appear before the trial Court on 09.01.2024. Hence, the trial Court had issued NBW and the same was executed on 24.07.2024. The Non-appearance of the petitioner before the Trial Court is neither willful nor wanton, but for the above stated 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 24.07.2024 nearly 1 ½ year. Hence, he seeks bail.

4. The learned Government Advocate (Criminal Side) would submit that this case has been registered in Cr.No.374/2014 for the offences punishable under Sections 147, 120(b), 148, 364 & 302 of IPC against the petitioner and others and the same was taken on file as S.C.No.34/2020 and pending before the Additional District and Sessions Judge, (Fast Track Court) Kumbakonam. One of the Accused A5 Manikandan @ Laly Manikandan approached for bail before this Court in Crl OP (MD) No.1890 of 2023 dated 07.02.2023, this Honourable Court dismissed the petition and directed the trial Court to complete the trial of this case within a period



CRL OP(MD). No.15129 of 2025

of three months from the date of receipt of a copy of this order. Hence, the trial Court

WEB COPY

had issued proceedings on 29.09.2023 to bind over the witnesses for trial.

4.1. After examination of the witnesses there is no progress since the accused are absconding one after another. NBW was issued against A1 on 21.11.2023 and executed on 27.11.2024. NBW was issued against A2, A4 on 09.01.2024 and A4 surrendered and recalled the NBW on 10.04.2024. NBW issued against A2 was executed on 24.09.2024. NBW were issued against A3, A6, A7 on 30.07.2024. A6 and A7 surrendered on 14.08.2024 and NBW against A6, A7 were recalled. A3 surrendered and remanded on 04.10.2024. Now A1, A2 this petitioner, A3 and A5 are in Judicial custody. Due to the absence of the accused one after another the trial could not be completed the trial. Further this A2 Ayyappan filed CrI.O.P (M.D) No.21245 of 2023 and CrI.MP. (MD) No. 16627 of 2023 before this Court under 482 Cr.P.C. to transfer the case to any other Court, and this Court dismissed the petition on 18.12.2023. But this petitioner/accused absconded and absent continuously and hence NBW was issued against him and he was remanded to judicial Custody on 24.09.2024. This case is pending due to the continuous non-appearance of the accused one after another and now after securing all the accused, the trial commenced and reached its finality by examining all the witnesses and the Investigation Officer also examined by the trial Court. It is the case of the year 2014, if bail is granted to the



CRL OP(MD). No.15129 of 2025

petitioner, he may abscond and thereby cause a delay in the trial proceedings. Hence,

WEB COPY

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.34 of 2020 on the file learned Additional District and Sessions Judge, Kubakonam and the trial has attained its finality, almost all the witnesses were examined before the trial Court and considering the undertaking given by the learned Counsel for the petitioner, the petitioner/accused No.2 remanded into judicial custody on 24.09.2024, 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 Additional District and Sessions Judge, Kumbakonam 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 Additional District and Sessions Judge, Kumbakonam. If the petitioner



CRL OP(MD). No.15129 of 2025

changes his residential address, he shall report the same to the learned Additional

WEB COPY

District and Sessions Judge, Kumbakonam;

[c] the petitioner shall appear before the learned Additional District and Sessions Judge, Kumbakonam on all working days at 10.30a.m. 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 himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.

sd/-
12/09/2025

/ TRUE COPY /

12/09/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.



CRL OP(MD). No.15129 of 2025

- 1 The Additional District And Sessions Judge, Kumbakonam.
- 2 The Superintendent, District Prison, Nagapattinam District.
- 3 The Inspector of Police, Natchiyarkovil Police Station, Thanjavur District.
- 4 The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.B.ARUN, Advocate (SR-10012[I] dated 12/09/2025)

ORDER
IN
CRL OP(MD) No.15129 of 2025
Date :12/09/2025

NBF/12/09/2025/ 6P/6C

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