



CRL OP(MD). No.22642 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02.01.2025

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD). No.22642 of 2024

Suresh

... Petitioner/ Accused No.8

Vs

The Inspector of Police,
Murappanadu Police Station,
Thoothukudi District.
(Crime No.75 of 2015)

... Respondent / Complainant

For Petitioner : Mr.N.Balasubramanian, Advocate.

For Respondent : Mr.S.Ravi, Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS,2023.

PRAYER :-

For Bail in Crime No.75 of 2015 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner / Accused No.8, who was arrested and remanded to judicial custody on 17.02.2024 for the alleged offences under Sections 147, 148, 294(b), 302 and 307 r/w. 120(b) of IPC, in Crime No.75 of 2015, on the file of the respondent police, seeks bail.

2. The petitioner, who has been arrayed as A8, was facing trial before the Court

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below. The petitioner did not appear on the date of hearing and hence, NBW was issued against the petitioner on 10.06.2022. The petitioner moved an anticipatory bail before this Court and based on the order, the petitioner surrendered before the Court below and the Court below remanded the petitioner to judicial custody on 17.02.2024. From then, the petitioner continues to be in judicial custody.

3. When the matter was came up for hearing on 20.12.2024, the learned Additional Public Prosecutor submitted that there are totally 10 accused persons in this case and that there are 14 previous cases against the petitioner and that one accused after another is absconding in this case and therefore, vehemently opposed the grant of bail to the petitioner.

4. This Court, taking into consideration the above submission made by the learned Additional Public Prosecutor, called for a report from the learned II Additional District and Sessions Judge, Thoothukudi by an order dated 20.12.2024.

5. The report has been received from the learned II Additional District and Sessions Judge, Thoothukudi. It has been stated that the petitioner was produced before the Court in execution of NBW on 17.02.2024 and he was arrested and remanded to judicial custody. Even though, the case was initially allotted to the learned II Additional District and Sessions Judge, Thoothukudi under the caption of “communal clash cases”, further clarification was sought for from the learned



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Principal Sessions Judge, Thoothukudi in order to continue with the cases that were made over. The learned Principal Sessions Judge, in turn, has sought for clarification from the Registrar General of the High Court and hence, there has been absolutely no progress in this case and not even a single prosecution witness has been examined in this case till date. There are totally 32 witnesses in this case.

6. Heard the learned counsel on either side and perused the material records of the case.

7. Taking into consideration the facts and circumstances of the case and considering the fact that it will take some more time for the trial to commence in this case and also taking note of the fact that the petitioner has suffered incarceration from 17.02.2024 and taking note the previous cases against the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

8. Accordingly, the petitioner is ordered to be released on bail on his 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 the learned II Additional District and Sessions Court, Thoothukudi District, 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.



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[b] the petitioner shall report before the learned II Additional District and Sessions Court, Thoothukudi District on every Monday and Friday at 10.30 a.m. until further orders and also during every date of hearing without fail.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS, 2023.

sd/-
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Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

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1 THE II ADDITIONAL DISTRICT AND SESSIONS JUDGE, THOOTHUKUDI.

2 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.

3 THE INSPECTOR OF POLICE, MURAPPANADU POLICE STATION,
THOOTHUKUDI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.22642 of 2024

Date :02/01/2025

RS/IT/SAR-(02.01.2025) 5P 5C

Madurai Bench of Madras High Court is issuing
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