



CRL OP(MD). No.22375 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/01/2025

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

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Moorthi

... Petitioner/ Accused No.6

Vs

The State of Tamilnadu,
Rep by the Inspector of Police,
Kumbakonam Taluk Police Station,
Thanjavur District.
Crime No.451 of 2009.

... Respondent/ Complainant

For Petitioner : M/s. Balaji.S, Advocate

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

To release the petitioners on bail in S.C.No.336 of 2011 on the file of Additional District and Sessions Judge (FTC) Kumbakonam, Thanjavur District arising from Crime No.451 of 2009 on the file of the Respondent Police and pass such further or other



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ORDER : The Court made the following order :-

The petitioner/A6, who was arrested and remanded to judicial custody on 22.10.2024 for the offences under Sections 147, 149, 294(b), 341 and 302 of IPC in in S.C.No.336 of 2011 on the file of Additional District and Sessions Judge (FTC) Kumbakonam, Thanjavur District in Crime No.451 of 2009 on the file of the respondent police, seeks bail.

2. The petitioner was facing trial before the Additional District and Sessions Judge (FTC), Kumbakonam in S.C.No.336 of 2011. The case was at the stage of questioning under Section 313 (1)(b) of Cr.P.C. The petitioner did not appear on 04.10.2024. Hence non bailable warrant was issued against the petitioner. Pursuant to the same, the petitioner was remanded to judicial custody on 22.10.2024. In the instant case there are totally nine accused persons and the petitioner has been arrayed as A6.

3. The learned Additional Public Prosecutor appearing for the respondent police submitted that the questioning under Section 313(1)(b) of Cr.P.C was completed on 03.12.2024. Thereafter, applications have been filed under Section 311 Cr.P.C for recalling certain witnesses and counter has been filed by the prosecution and the application is pending enquiry. He further submitted that there are no



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previous cases against the petitioner but however, the sessions case is of the year 2011 and because of the attitude of the accused persons, the case is pending.

4. Heard the learned Counsel appearing on either side.

5. Taking into consideration the facts and circumstances of the case and considering the fact that this petitioner has already suffered incarceration from 22.10.2024 and there are no previous cases pending against the petitioner and almost all the other accused persons have been enlarged on bail in this case and the case is at the stage of consideration of Section 311 Cr.P.C. applications filed by the accused persons, this Court is inclined to grant bail to the petitioner subject to the following conditions.

6. Accordingly, the criminal original petition is ordered and 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 the **learned Additional District and Sessions Judge (FTC), Kumabkonam, Thanjavur 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.

[b] the petitioner shall report before the **learned Additional District and**



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Sessions Judge (FTC), Kumabkonam, Thanjavur District daily at 10.30 a.m apart

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from the hearing dates, **until further orders.**

[c] the petitioner shall appear before the trial Court during every hearing date without fail.

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

[e] the petitioner shall not abscond 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 2023.

sd/-

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27/01/2025

Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

LR



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- 1 THE ADDITIONAL DISTRICT AND
SESSIONS JUDGE(FTC), KUMBAKONAM, THANJAVUR DISTRICT.
- 2 THE INSPECTOR OF POLICE,
KUMBAKONAM TALUK POLICE STATION,
THANJAVUR DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, PUDUKOTTAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.BALAJI, Advocate (SR-862[I] dated 27/01/2025)

ORDER
IN

CRL OP(MD) No.22375 of 2024

Date :27/01/2025

SS/SAR- /27/01/2025/ 5P/6C

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