



CRL OP(MD). No.23660 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09.01.2026

PRESENT

THE HONOURABLE MRS. JUSTICE S.SRIMATHY

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K.Kanagaraj

... Petitioner/Accused

Vs

The State of Tamil Nadu,
Rep By, The Inspector of Police,
Kumbakonam West Police Station,
Thanjavur District.
(Crime No.495 of 2017)

... Respondent/Complainant

For Petitioner : Mr.D.Gokul
Advocate.

For Respondent : Mr.S.S.Manoj
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- For Bail in Cr.No. 495 of 2017 on the file of the respondent police.



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ORDER : The Court made the following order :-

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The petitioner / Accused No.2, who was arrested and remanded to judicial custody on 03.04.2025 for the offences punishable under Sections 302, 379, 342, 364, 34 of IPC in Crime No.495 of 2017 on the file of the respondent police, seeks bail.

2. The petitioner has been charged for the offences punishable under sections 302, 379, 342, 364, 34 of IPC in Crime No.495 of 2017. The said case was pending for trial before the trial Court in S.C.No.174 of 2019. On 27.01.2025, at the time of hearing in S.C.No.174 of 2019 before the learned Additional and District & Sessions Court (Fast Track Court) Kumbakonam the petitioner was absent. Due to which, a Non Bailable warrant was issued upon the petitioner and the same was executed on 03.04.2025.

3. The learned counsel for the petitioner would submit that there are totally two accused persons, this petitioner was arrayed as Accused No.2. This petitioner met with an accident and he was unable to appear before the concerned Trial Court. The trial Court had issued NBW on



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27.01.2025 and the same was executed on 03.04.2025. This petitioner is not at all intending to escape for evading from the law. Due the said reason only, the petitioner could not appear before the trial Court. The Non-appearance of the petitioner before the Trial Court is neither willful nor wanton but only due to the above said reasons. 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 03.04.2025. Hence, he seeks bail.

4. The learned Government Advocate (Criminal Side) would submit that already the trial Court issued NBW against this petitioner on 15.11.2021 and the same was executed after period of two years i.e., on 19.12.2023, after release, this petitioner again failed to appear before the trial Court. Hence, the trial Court has issued NBW against this petitioner on 27.01.2025 and the same was executed on 03.04.2025. Insofar as Crime No.495 of 2017 is concerned, the said case was committed in S.C.No.174 of 2019 on the file of learned Additional District and



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Sessions Court, Kumbakonam and the case is pending for the examination of witnesses. This petitioner has not co-operated with the trial proceedings and he is willfully failed to appear for the successive hearings in order to delay the trial proceedings. If the petitioner released on bail, he would not appear for further hearings. Hence, he objected to grant bail to the petitioner.

5. Taking into consideration of the facts and circumstances of the case and also consideration the period of incarceration suffered by the petitioner, 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 the learned Additional District and Sessions Judge, Fast Track Court, 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



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to ensure their identity.

[b] the petitioner shall report before the learned Additional District and Sessions Judge, Fast Track Court, Kumbakonam on all hearings without fail.

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

[d] the petitioner shall not tamper with evidence or witness 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 BNS.

(S S Y J)
09.01.2026

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To

1. The Additional District and Sessions Judge,
Fast Track Court, Kumbakonam
2. The Superintendent,
District Prison, Pudukottai.
3. The Inspector of Police,
Kumbakonam West Police Station,
Thanjavur District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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S.SRIMATHY,J.

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ORDER
IN
CRL OP(MD) No.23660 of 2025

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