

In the court of the Communal Clash Cases, Madurai
Present:**D.Jeyakumari Jemi Rathna, B.Com., B.L.,**
District and Sessions Judge
Communal Clash Cases Court,
Madurai
Dated this the 10th Day of March 2026, Tuesday

CrI.M.P.No.828/2026

in

S.C.No.645/2025

...

K.Manikandan (26/26)
S/o.Kottaisamy,
No.150, West street,
Panikkarkulam,
Thoothukudi - 628952

...Petitioner/sole Accused

- /Versus/-

The State through the Inspector of Police,
Kayathaur Police Station,
Crime No. 87/2019
Thoothukudi District.

...Respondent/Complainant

This bail application is coming on this 10th Day of March 2026 before this Court in the presence of Thiru.B.Aravinthan Advocate for the petitioner and Thiru.R.Ramasubramanian, Special Public Prosecutor for the State and having stood over for consideration this Court delivered the following:-

ORDERS

Petition averments in nutshell:

The respondent / Complainant have registered a case against this petitioner/ Accused for an alleged offence punishable u/s 294(b), 324, 307, 506(1) IPC. Totally 2 accused in this case and A2 died and charge against A2 already abated. On 10.10.2025, this petitioner failed to appear before this court for the hearing due to illness and unable to inform the same to the counsel. Due to the non appearance of the petitioner / Non

Bailable Warrant was issued against this petitioner. On 19.01.2026 this petitioner voluntarily surrendered and filed a petition to recall NBW. But recall petition was dismissed and he was remanded to Judicial Custody. The earlier bail application was dismissed as not pressed on 30.01.2026. This petitioner is in Judicial custody since 19.01.2026. Hence he has to be enlarged on bail.

Reply/objection in nutshell:

This case is pending trial before this court. As the petitioner was irregular in attending court hearing, progress of the case is affected. If this petitioner is enlarged on bail, he would abscond and will not attend court hearing. Hence strongly objected to enlarge this petitioner on bail.

Rival contentions were carefully heard.

Petition, Reply and Material records were carefully perused.

Point for consideration:

Whether this petition is to be allowed?

Admittedly, this is a petition filed seeking bail.

The contention of the petitioner is that he failed to attend court on 10.10.2025. Hence NBW was issued against him. Also the petition to recall NBW filed on 19.01.2026 was also dismissed and this petitioner was remanded to Judicial Custody. Hence this petition seeking bail.

The respondent would contend that, this petitioner was very irregular in attending court hearing. If he is enlarged on bail, he would abscond and will not appear for hearing and prays to dismiss the petition.

On perusal of daily adjudication, it seems that this petitioner remained absent on 31.07.2025, 14.08.2025, 12.09.2025 & again on 10.10.2025. As he was continuously

absent for four consecutive hearings, this court was constrained to issue NBW against this petitioner.

Whereas, it is alleged in the petition, strangely that, NBW was issued as he failed to appear on 10.10.2025 only. Since 10.10.2025, NBW was pending till 19.01.2025.

Thus it is clear that this petitioner has suppressed Material facts.

Moreover in this application, no reason has been stated for his consecutive absence for four hearings. Thus it is clear that this petitioner, is not able to reason out his continuous absence.

On the above said circumstances, the objection raised by respondent / prosecution that, the petitioner will not appear for hearing regularly and will abscond is reasonable and acceptable.

Therefore this court has comes to the conclusion, that this petition is devoid of Merits and is liable to be dismissed.

In the result, this petition is dismissed.

Hand written by me and typed by Typist in computer and corrected and pronounced by me in open court, on this the 10th Day of March 2026.

District and Sessions Judge,
Communal Clash Cases Court,
Madurai

