

CRL OP(MD). No.15306 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27.07.2026

PRESENT

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

CRL OP(MD)No.15306 of 2026

Babu

... Petitioner / Accused No.1

Versus

The State of Tamil Nadu,
Rep by the Inspector of Police,
Thuckalay Police Station,
Kanniyakumari District.
(Crime No.372 of 2025)

... Respondent / Complainant

PRAYER :-Criminal Original Petition filed under Section 483 of the BNSS, 2023, to enlarge the petitioner on bail in Crime No.372 of 2025 on the file of the respondent police.

For Petitioner : Mr.M.Dhinesh Kumar,
Advocate

For Respondent : Mr.T.Lenin Kumar,
Counsel for State of TN
(Crl. Side)



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ORDER : The Court made the following order :-

The petitioner / Accused No.1, who was arrested and remanded to judicial custody on 20.04.2026, for the offences punishable under Sections 303(2) of the Bharatiya Nyaya Sanhita, 2023, in Crime No.372 of 2025 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that, on 07.05.2025 at about 9.15 a.m., the accused stole the motorcycle belonging to the defacto complainant. Hence, the present case was registered against the accused.

3. The learned counsel for the petitioner submitted that the investigation has been completed, the final report has been filed, and the case has been taken on file in C.C. No.429 of 2025 on the file of the learned Judicial Magistrate No.I, Padmanabhapuram. He further submitted that, owing to the non-appearance of the petitioner before the trial Court on 18.03.2026, a non-bailable warrant (NBW) was issued against him. Pursuant to the said warrant, the petitioner was arrested by the respondent Police. He has been in judicial custody since 20.04.2026.



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He also submitted that the petitioner is ready and willing to abide by any condition that may be imposed by this Court. Hence, he prayed that this Court may be pleased to grant bail to the petitioner.

4. The learned Counsel appearing for the State reiterated the prosecution case and submitted that the petitioner is arrayed as A1. He further submitted that the petitioner failed to appear before the trial Court, pursuant to which a non-bailable warrant was issued. The said warrant was subsequently executed by the respondent Police to secure the petitioner's presence before the trial Court. He also submitted that there is one previous case pending against the petitioner. Hence, he opposed the grant of bail.

5. This Court has carefully considered the rival submissions and perused the materials available on record.

6. Considering the period of incarceration undergone by the petitioner, and having regard to the fact that there has been no substantial progress in the trial, this Court is of the view that further incarceration is



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not warranted at this stage. Though the petitioner is involved in one previous case, this Court is inclined to grant bail to the petitioner, subject to certain conditions.

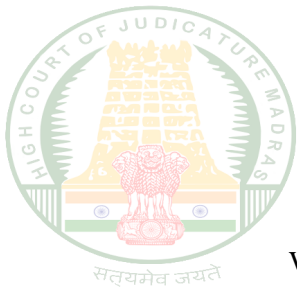
[a] Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs. 15,000/- (Rupees Fifteen Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Padmanabhapuram, and on further conditions that:

[b] the petitioner shall report before the learned Judicial Magistrate No.I, Padmanabhapuram on all working days at 10.30 a.m., for a period of two weeks;

[c] the petitioner shall not commit any offence similar to the offence of which he/she is accused, or suspected, or of the commission of which he/she is suspected;

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

[e] the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted



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with the facts of the case so as to dissuade her from disclosing such facts to the Court or to any police officer or tamper with the evidence;

[f] On breach of any of the aforesaid conditions, the learned Judicial 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 51730]***.

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

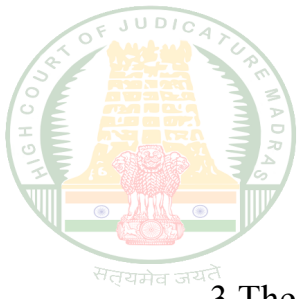
27.07.2026

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To

- 1.The Judicial Magistrate No.I,
Padmanabhapuram.
- 2.The Officer-in-Charge,
District Jail,
Nagercoil.

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3. The Inspector of Police,
Thuckalay Police Station,
Kanniyakumari District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.RAJASEKAR,J.

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ORDER
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