



Crl.O.P.No.349 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2025

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.349 of 2025

R.Kabilan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Perumanallur Police Station,
Tiruppur District.

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail, in connection with Spl.S.C.No.27 of 2024 pending on the file of the learned Sessions Judge Mahalir Neethimandram, Tirupur.

For Petitioner : Mr.V.Karthick

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER

Petition seeking bail in respect of S.C.No.27 of 2024 pending on the file of the learned Sessions Judge Mahalir Neethimandram, Tirupur for the offence under Sections 366, 343, 376(3) of IPC and Section 5(1) r/w Section 6 of



Crl.O.P.No.349 of 2025

POCSO Act, is on board for consideration.

2. Learned counsel appearing for the petitioner submitted that the petitioner is facing trial in S.C.No.27 of 2024 on the file of the learned Sessions Judge Mahalir Neethimandram, Tirupur. He submitted that the petitioner has been regularly appearing before the trial Court on all hearing dates. He submitted that due to his illness, he was unable to appear before the trial Court on 07.08.2024, thereby, a Non Bailable Warrant was issued by the trial Court, against him. He would submit that later, the petitioner was arrested on 03.10.2024. He further submitted that the petitioner is ready to co-operate for speedy disposal of the trial. Hence, he prays for grant of bail to the petitioner.

3. Learned Government Advocate (Crl.Side) submitted that since the petitioner, who is an accused facing trial in S.C.No.27 of 2024, pending on the file of the learned Sessions Judge Mahalir Neethimandram, Tirupur, has failed to appear before the trial Court on 07.08.2024, the trial Court has issued a Non-Bailable Warrant of arrest against him. He also submitted that due to the absence of the petitioner, the trial Judge could not proceed with the trial and now the case stands posted on 21.05.2025, for fixing of trial. Hence, he object for grant of bail.



Crl.O.P.No.349 of 2025

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4. Having heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record, and considering the period of incarceration undergone by the petitioner, this court is inclined to grant bail to the petitioner with certain conditions and accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties, of which one shall be a blood related surety**, each for a like sum to the satisfaction of the learned **Sessions Judge Mahalir Neethimandram, Tirupur**, 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 Sessions Judge Mahalir Neethimandram, Tirupur on all working days at 10.30 a.m. until further orders;

[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;



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Crl.O.P.No.349 of 2025

A.D.JAGADISH CHANDIRA.,J.

Anu

[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 abscond, a fresh FIR can be registered under Section 269 of B.N.S.

09.01.2025

Anu

To

1. The Sessions Judge Mahalir Neethimandram, Tirupur

2.The Inspector of Police,
Perumanallur Police Station,
Tiruppur District.

3. The Superintendent,
Central Jail, Coimbatore

4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.349 of 2025