



Crl.O.P.No.11964 of 2025

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.04.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.11964 of 2025

Kaviyarasan

... Petitioner/Accused 4

Vs.

The State Rep. by
The Inspector of Police,
Eravanchery Police Station,
Tiruvarur District.

(Crime No.162 of 2022)

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with the S.C.No.36 of 2023 on the file of the Sessions Court, Fast Track Mahila Court, Tiruvarur.

For Petitioner : Mr.T.Muruganantham

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



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ORDER

The petitioner, who is facing trial for the offence under Sections 147, 148, 341, 294(b), 302 r/w 34 of IPC in S.C.No.36 of 2023 on the file of the Sessions Court, Fast Track Mahila Court, Tiruvarur, did not appear before the Trial Court and a Non-Bailable Warrant has been issued on 28.10.2024 and thereafter, the petitioner surrendered on 19.02.2025 and remanded to judicial custody and hence, seek bail.

2.The learned counsel for the petitioner would submit that due to health issues, the petitioner was not able to appear before the Trial Court; that thereafter the petitioner had surrendered before the Trial Court on 19.02.2025; and that the petitioner is in custody from 19.02.2025 and hence, he may be released on bail.

4.Per contra, the learned Government Advocate (Crl. Side) reiterated the prosecution case and submitted that due to the non appearance of the petitioner before the Trial Court, NBW was issued on 28.10.2024 and he surrendered on 19.02.2025 and that there is a previous case pending against the petitioner and he is on bail in that case.



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5.Considering the aforesaid facts, the period of incarceration and since the petitioner was earlier granted bail, this Court is of the view that further custody of the petitioner is not required. Hence, this Court is inclined to grant bail to the petitioner with certain conditions:

6.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**, each for a like sum to the satisfaction of the **Sessions Court, Fast Track Mahila Court, Thiruvavarur**, 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 petitioners shall report before the Trial Court everyday at 10.30 a.m., until further orders.

[c] the petitioners shall not abscond either during investigation or trial;



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[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 B.N.S.

22.04.2025

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WEB COPY Copy to:

- 1.The Inspector of Police,
Eravanchery Police Station,
Tiruvarur District.
- 2.The Sessions Court, Fast Track Mahila Court, Thiruvarur.
- 3.District Prison, Thiruvarur.
- 4.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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