



Crl.O.P.No.14227 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.14227 of 2025

C.Madhesh

... Petitioner/Accused

Vs.

State Rep by,
The Inspector of Police,
Karippatti Police Station.
(Crime No.687 of 2014)

... Respondent

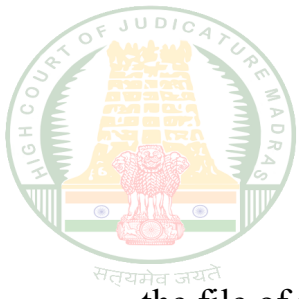
PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail pending trial in S.C.No.274 of 2015 on the file of the II Additional District and Sessions Judge,Salem.

For Petitioner : Mr.T.Bharath Gowtham

For Respondent : Mr.L.Baskaran
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 13.07.2023 pursuant to the non-bailable warrant issued in S.C.No.274 of 2015 on



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the file of the II Additional District and Sessions Judge, Salem, in connection with Crime No.687 of 2014 registered for the offences punishable under Sections 356, 302 and 404 of IPC, seeks bail.

2. It is the case of jumped bail. Since the petitioner failed to appear before the trial Court in S.C.No.274 of 2015, a non-bailable warrant of arrest was issued against him on 13.07.2023 and pursuant to the same, he was arrested and remanded to judicial custody on 21.10.2024.

3. The learned counsel for the petitioner submitted that NBW was issued against the petitioner on 13.07.2023 and the same was executed on 04.10.2024 and he is in prison from that date onwards. Though the case is of the year 2015, after the detention of the petitioner pursuant to the NBW only one witness so far examined. In this case there are totally 21 witnesses and the case was posted for examination of LW17 to LW21. On 05.06.2025 no witness appeared and now the case is posted on 25.06.2025. Though on three previous occasions NBW issued and it was executed and thereafter bail granted, now the delay in trial is not for the petitioner's non-cooperation but for the non production of witnesses by the respondent. He further submitted that the petitioner is ready to abide by any condition imposed by this Court.



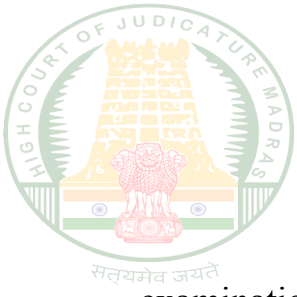
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4. Learned Government Advocate (Crl. Side) appearing for the respondent police opposed for granting bail to the petitioner stating that this is the second bail application before this Court. Prior to it, the petitioner moved two bail applications before the trial Court. All the bail applications dismissed for the reason that NBW issued on 11.07.2022, 13.07.2023 and it could be executed only on 04.10.2024. Nearly after a year this is the 4th NBW. The petitioner is now absconding himself and stalling the progress of the trial. In this case, the occurrence took place in the year 2014, investigation completed, charge sheet filed in the year 2015 and it is almost 10 years and the case is still pending. If the petitioner is granted bail he would again abscond and the case would further get delayed. He further undertook to produce remaining witnesses LW17 to LW21 without fail on 25.06.2025.

5. Heard both sides and perused the materials available on record.

6. Considering the facts and circumstances of the case, the submission made by the learned counsel appearing on either side and finding that petitioner was remanded on 04.10.2024 based on the NBW and from 04.10.2025 till date only one witness examined and the case now posted on 25.06.2025 for



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examination of LW17 to LW21. Since the non progress of the trial is not at the instance of the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.5,000/- (Rupees Five Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **II Additional District and Sessions Judge, Salem** and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[b] the petitioner shall appear before the trial Court on all working days at 10.30 a.m. until further orders;

[c] the petitioner shall make himself available for interrogation by a Police Officer as and when required;

[d] the petitioner shall not directly or indirectly cause any threat to the de facto complainant and witnesses;



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[e] the petitioner to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

[f] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned 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)13 SCC 283]**;

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

09.06.2025

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Note :

1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.



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M.NIRMAL KUMAR, J.

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To

1.The II Additional District and Sessions Judge,
Salem.

2.The Inspector of Police,
Karippatti Police Station.

3.The Superintendent,
Central Prison, Salem.

4.The Public Prosecutor,
High Court of Madras.

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