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Crl.O.P.No.12282 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.12282 of 2025

Lokesh @ Isthiri

... Petitioner/Accused

Vs.

State Rep. By
The Inspector of Police,
E-1 Mylapore Police Station.
Chennai District.
(Crime No.24 of 2020)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in S.C.No.126 of 2021 pending on the file of XVI Additional Judge, City Civil Court, Chennai.

For Petitioner : Mr.P.Muthamizhselvakumar

For Respondent : Mr.R.Vinothraja
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 06.03.2025 pursuant to the non-bailable warrant issued in S.C.No.126 of 2021 on the file of XVI Additional City Civil Court, Chennai in connection



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with Crime No.24 of 2020 registered for the offence punishable under Section 302 of I.P.C., seeks bail.

2. It is the case of jumped bail. Since the petitioner failed to appear before the trial Court in S.C.No.126 of 2021, a non-bailable warrant of arrest was issued against him on 01.03.2023 and pursuant to the same, he was arrested and remanded to judicial custody on 06.03.2025.

3.This Court, on 02.07.2025, had passed the following order:

“Considering the submissions on both sides and perusal of the materials available on record, it is seen that earlier, the petitioner was granted bail in this case. However, due to his non-appearance before the Trial Court, NBW was issued on 01.03.2023 and the same was executed on 06.03.2025. It is the contention of the petitioner that since the petitioner has a life threat, he has gone to underground. It is seen that on 24.04.2025, P.W.1 was examined and he was also cross-examined. Now, the case is posted for examination of L.W2 to L.W.7 on 03.07.2025.

2. The learned Government Advocate (Crl.side) appearing for the respondent also produced summons copy served on L.W.2 to L.W.5 for their appearance on 18.03.2025, but they did not appear on that date. Subsequently, on 10.06.2025, it was informed that witnesses L.W.3 to L.W.5 had



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appeared.

3. List the matter on 04.07.2025.”

4.In continuation to the earlier order passed by this Court on 02.07.2025, it is seen that PW2 and PW3 were examined on 03.07.2025 and the case is posted to 11.07.2025 for examination of further witnesses.

5.The learned counsel for petitioner submitted that in this case PW1 to PW3 are the eyewitnesses and they are not supported the case of the prosecution. He further submitted that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed to grant bail to the petitioner.

6.The learned Government Advocate (Criminal Side) appearing for the respondent police strongly opposed for granting bail to the petitioner submitting that the case is now posted to 11.07.2025 for examination of LW2, LW3, LW6, LW7 and LW8. If the petitioner is let out on bail he would abscond and again trial would get stalled.

7. Heard the learned counsel appearing on both sides.



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8.Considering the submissions made and the progress of the case,
this Court is inclined to grant bail to the petitioner with certain conditions.

9. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **XVI Additional Judge, City Civil Court, Chennai**, 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 every Tuesday at 10.30 a.m. and on all hearing dates without fail;

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

[d] 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;

[e] On breach of any of the aforementioned



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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]**;

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

04.07.2025

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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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To

1.The XVI Additional Judge,
City Civil Court, Chennai.

2.The Inspector of Police,
E-1 Mylapore Police Station.
Chennai District.

3.The Superintendent,
Central Prison, Puzhal,
Chennai.

4.The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

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