



Crl.O.P.No.14228 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.14228 of 2025

Udaykumar

... Petitioner/ Accused

Vs.

The State of Tamil Nadu,
Rep. by The Inspector of Police,
Veeranam Police Station,
Salem District.
(Cr.No.243 of 2013)

... 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.308 of 2017 on the file of Special Court for Cases under POCSO
Act, Salem.

For Petitioner : M/s.C.Deepakkumar

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

ORDER

The petitioner who was arrested and remanded to judicial custody
on 28.01.2025, seeks bail in S.C.No.308 of 2017 for the offence punishable
under Sections 120(B) read with Section 302, 302 read with Section 34, 392
read with Section 397, 201 read with Section 302 of IPC in connection with



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Crime No.243 of 2013, registered on the file of the respondent.

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2. Learned counsel for the petitioner submitted that the petitioner is an accused facing trial in S.C.No.308 of 2017 on the file of the learned Special Court for Cases under POCSO Act, Salem. He further submitted that totally there are six accused in this case, out of which, two had died namely A1 and A4, now A2, A3, A5 and A6 are facing trial and that on the last hearing date, all the accused were produced before the VC and the case was posted on 04.08.2025 for further proceedings and the trial Court had also directed all the four accused to appear physically. He further submitted that the petitioner will undertake that hereafter he will regularly appear before the trial court on all hearing dates and also stated that he is prepared to comply with any stringent conditions that may be imposed by this Court. Therefore, he prays for grant of bail to the petitioner.

3. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that the case is pending from the year 2013 and the petitioners were alternatively absconding and dragging the trial and in the meanwhile, two accused died and with great difficulty, respondent police



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secured the accused and at this stage, if the petitioner is granted bail, there is every possibility that the petitioner will abscond. Hence, he oppose for grant of bail to the petitioner.

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

5. Considering the facts and circumstances of the case, submissions made by the learned counsels on either side, 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.10,000/- (Rupees Ten Thousand only)** with **two blood related sureties**, each for a like sum to the satisfaction of the learned II Additional District 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



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identity;

[b] the petitioner shall report before the trial Court on all working days at 10.30.a.m., till the charges are framed and thereafter on every Tuesday at 10.30.a.m., and on all hearing dates till the completion of trial without fail;

[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;

[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]**;



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[g] If the accused thereafter absconds, a fresh

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FIR can be registered under Section 269 of B.N.S.

29.07.2025

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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.

To

1.II Additional District Judge at Salem.

2.The Inspector of Police,
Veeranam Police Station,
Salem District.

3.The Central Prison,Salem

4.The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

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