



Crl.O.P.No.16811 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.06.2025

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THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.16811 of 2025

Chandru

.. Petitioner

Vs.

State rep. by
The Inspector of Police
Kamanaickenpalayam AWPS
Tiruppur District.

... Respondent

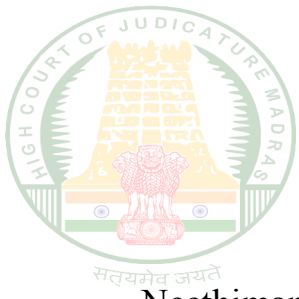
PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 to enlarge the petitioner on bai in Special.S.C.No.22 of 2023 on the file of Court of Sessions Judge, Mahalir Neethimandram (FTMC), Tiruppur.

For Petitioner : Mr. R.Thamarai Selvan

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 07.03.2025, for the offence punishable under Sections 366 of IPC act and 5(l), 5(j)(ii), 6 of POCSO Act and 9 of Prohibition of Child Marriage Act in Special.S.C.No.22 of 2023 on the file of Court of Sessions Judge, Mahalir



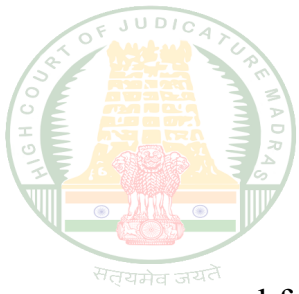
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Neethimandram (FTMC), Tiruppur.

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2. Learned counsel appearing for the petitioner submitted that petitioner is facing trial in Special.S.C.No.22 of 2023 on the file of Court of Sessions Judge, Mahalir Neethimandram (FTMC), Tiruppur. He also submitted that due to his non-appearance before the Trial Court on 30.01.2025, the NBW was issued against him on 30.01.2025 and the same was executed on 07.03.2025. It is his contention that due to his ill health, he could not appear before the Trial Court. He also submitted that the petitioner will appear before the trial Court on all hearing dates without fail and he will co-operate for speedy disposal of the trial. Hence, he prayed for grant of bail to the petitioner.

3. Learned Additional Public Prosecutor appearing for the respondent, while objecting for grant of bail to the petitioner, submits that since the petitioner failed to appear before the trial Court in Special.S.C.No.22 of 2023 on 30.01.2025, the non-bailable warrant came to be issued against him and the same was executed on 07.03.2025. He also submitted that petitioner is a habitual offender and he had committed penetrative sexual assault on the minor victim girl and a case has been registered in Crime No.445 of 2024 for the offences under 137, 87 of BNSS Act and Sections 5(l) and 6 of POCSO Act. Hence, he strongly



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opposed for grant of bail to the petitioner.

4. At this juncture, the learned counsel for the petitioner submitted that in Crime No.445 of 2024, the petitioner has been granted bail by the Trial Court in Crl.M.P.No.221 of 2025 on 18.03.2025 and copy of the same is also produced before this Court.

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

6. Considering the facts and circumstances of the case, nature of allegations, submissions made by the learned counsels on either side and considering the period of detention undergone by the petitioner and considering the fact that the petitioner has already been granted bail in Crime No.445 of 2024, 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.10,000/- (Rupees Ten Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Court of Sessions Judge, Mahalir Neethimandram (FTMC), Tiruppur** and on further conditions that:



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

26.06.2025

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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 Court of Sessions Judge, Mahalir Neethimandram (FTMC), Tiruppur

2. The Inspector of Police
Kamanaickenpalayam AWPS
Tiruppur District.

3. The Superintendent,
Central prison, Coimbatore.

4. The Public Prosecutor,
High Court, Madras.

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