



Crl.O.P.No.19230 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2025

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THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.19230 of 2025

Alexpandiyan

.. Petitioner

Vs.

The State rep by
The Inspector of Police
Velipalayam Police Station
Nagapattinam District
Crime No. 292 of 2024

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 to enlarge the petitioner on bail in connection with S.C.No.49 of 2025 in Cr.No.292 of 2024.

For Petitioner : Mr.J.Jawahar

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 04.03.2025, for the offence punishable under Section 296(b), 126(2), 308(2), 351(3) of BNS Act, 2023 and 25(1A) of Indian Arms Act, 1959 in Crime No.292 of 2024, registered on the file of the respondent, seeks bail.



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2. The petitioner was arrested and remanded to judicial custody on 04.03.2025 since the petitioner's earlier grant of bail was cancelled by the Principal District and Sessions Judge, Nagapattinam for the reason that the petitioner had not complied with the conditions imposed in Crl.MP.No.2486 of 2024 dated 15.10.2024. It is the contention of the petitioner that he was suffering from jaundice to which he was taking native treatment hence, he could not appear before the respondent police for some days. Despite the same, the Trial Court had cancelled the bail already granted to the petitioner. He also submitted that the petitioner is ready to comply with the conditions and co-operate with the trial in S.C.No.49 of 2025 without any breach, hence, he prayed for grant of bail to the petitioner.

3. Learned Government Advocate (Crl.side) appearing for the respondent police submitted that the petitioner was granted bail in Crl.M.P.No.2486 of 2025 dated 15.10.2024 with one of the condition that he shall appear before the respondent police but the petitioner failed to comply with the condition. Subsequently, the respondent police had filed Crl.M.P.No.53 of 2025 seeking cancellation of bail and the Trial Court cancelled the bail granted to the petitioner. Hence, he strongly opposed to grant bail to the petitioner.



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

5. Considering the facts and circumstances of the case, nature of allegations, submissions made by the learned counsels on either side, considering the period of incarceration undergone by the petitioner, 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 sureties** each for a like sum to the satisfaction of the learned **Judicial Magistrate-II, Nagapattinam** 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 report before the Trial Court in S.C.No.49 of 2025 on every Tuesday at 10.30 am., and on all hearing dates without fail 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]**;

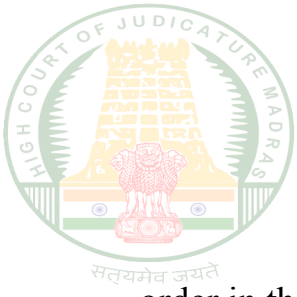
[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

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Note:

1. Registry is directed to forthwith upload this



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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. The Judicial Magistrate-II, Nagapattinam

The Inspector of Police
Velipalayam Police Station
Nagapattinam District

3. The Superintendent,
District Jail, Nagapattinam

4. The Public Prosecutor,
High Court, Madras.

M.NIRMAL KUMAR, J.

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