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Crl.O.P.No.19583 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-10-2025

CORAM

THE HONOURABLE MR JUSTICE K. RAJASEKAR

CRL OP NO.19583 of 2025

Lakshyakandan @ Elechiyakanthan

... Petitioner/ A1

Vs

The State rep. by,
The Inspector of Police,
Redhills Police Station,
Tiruvallur District.
(Crime No.359 of 2009)

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to grant bail to the petitioner/accused in the event of arrest in P.R.C.No.31 of 2013 on the file of the learned Judicial Magistrate-II, Ponneri, Tiruvallur District.

For Petitioner(s) : Mr. D. Magesh

For Respondent(s) : Mr. S. Udayakumar
Government Advocate (Crl. Side)



ORDER

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The petitioner, who apprehends arrest at the hands of the respondent police in connection with Non-Bailable Warrant issued on 17.04.2015 in P.R.C.No.31 of 2013 on the file of the learned Judicial Magistrate-II, Ponneri, Tiruvallur District, for the offences punishable under Sections 147, 148 , 341, 506(ii) of IPC and Sections 3 & 4 of TNPPDL Act in Crime No.359 of 2009 on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner herein was arrayed as first accused in Crime No.359 of 2009 and final report was filed in the year 2013 and taken on file by the learned Judicial Magistrate-II, Ponneri, Tiruvallur District in P.R.C.No.31 of 2013; that subsequently, since the petitioner was absconded and not appeared before the Court, a NBW was issued against the petitioner on 17.04.2015 and other proceedings also initiated declaring the petitioner as proclaimed offender. Hence, this case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is a Srilankan Refugee and the respondent has foisted a false

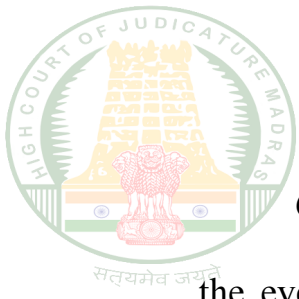


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case against the petitioner; that he was not aware about the criminal case proceeding pending before the Trial Court and NBW issued against the petitioner. He further submitted that the case is now split up against the petitioner; and that the petitioner is ready to abide by any conditions that may be imposed by this Court, hence sought for anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police while opposing the anticipatory bail to the petitioner reiterated the prosecution case and submitted that absconding charge sheet was filed against the petitioner and subsequently, NBW was issued against the petitioner on 17.04.2015. He further submitted that the case is still in PRC stage.

5. Considering the facts and circumstances of this case, taking note of the fact that the NBW against the petitioner was pending from the year 2015 and the case is still in PRC stage, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



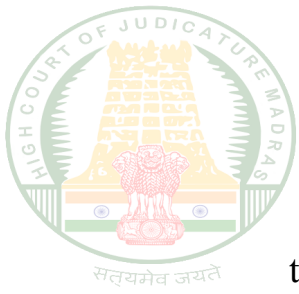
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6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate-II, Ponneri** on condition that the petitioner shall execute a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties each** for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] **if the petitioner fails to surrender before the concerned Magistrate within a period of fifteen days from the date on which the order copy made ready, this Order shall stand automatically cancelled;**

[b] 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;

[c] **the petitioner shall report before the Trial Court concerned daily at 10.30 a.m., for a period of three weeks and thereafter, the petitioner shall appear on all hearing dates without fail;**



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[d] 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]**;

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

07.10.2025

stn

To

1. The Judicial Magistrate-II,
Ponneri, Tiruvallur District.
2. The Inspector of Police,
Redhills Police Station,
Tiruvallur District.
(Crime No.359 of 2009)
3. The Public Prosecutor,
High Court of Madras.



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K. RAJASEKAR, J.

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