



Crl.O.P.No.20740 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.20740 of 2025

Mahalingam

.. Petitioner

Vs.

State rep by
The Inspector of police
Ethappur Police Station,
Salem District
Crime No.281/2012

... 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.287 of
2015 on the file of the learned Sessions Judge, Mahila Court, Salem.

For Petitioner : Mr.T.Ganesan

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on
22.03.2025, for the offence punishable under Sections 343, 376(1), 506(2) of IPC
and Section 9 and 11 of POCM Act, 2006 in Crime No. 281/2012, registered on
the file of the respondent, seek bail.



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2. The case of the prosecution is that due to non-appearance before the Trial Court on 30.11.2023, NBW was issued against the petitioner on 30.11.2023 and the same was executed on 22.03.2025. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He also submitted that the petitioner is in no way connected with the alleged offence, however, he is suffering incarceration from 22.03.2025. He further submitted that the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.side) appearing for the respondent police, submitted that NBW was issued against the petitioner on 30.11.2023 and the same was executed on 22.03.2025. He also submits that totally nine witnesses out of which seven witnesses have been examined and only Investigating Officer and the Doctor were remain to be examined. Now, the case is posted for hearing on 28.07.2025. Hence, he strongly opposed to grant bail to the petitioner.

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



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6. Considering the facts and circumstances of the case, nature of allegations, submissions made by the learned counsels on either side, it is seen that NBW was issued against the petitioner on 30.11.2023 since he has not appeared before the Trial Court for hearing. Thereafter, the same was executed on 22.03.2025 only after two years. The petitioner is facing trial in S.C.No.287 of 2015 on the file of the learned Sessions Judge, Mahila Court, Salem. In this case, so far, seven witnesses were examined and only the Investigating Officer and the Doctor were remain to be examined. Further, the case is of the year 2012 and the trial is pending for almost 10 years. Hence, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, the Criminal Original Petition stands dismissed.

24.07.2025

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M.NIRMAL KUMAR, J.

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To

1. The Sessions Judge, Mahila Court, Salem.
2. The Inspector of police
Ethappur Police Station,
Salem District
3. The Public Prosecutor,
High Court, Madras.

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