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Crl.O.P.No.20835 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2025

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THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.20835 of 2025

Vicky @ Vignesh

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Tiruvallur Town Police Station,
Tiruvallur.

(Crime No.415 of 2013)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in connection with P.R.C.No.8 of 2014 pending on the file of the Judicial Magistrate No.I, Tiruvallur.

For Petitioner : Mr.K.Karthik

For Respondent : Mr.R.Vinothraja
Government Advocate (Criminal Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 28.06.2025 pursuant to a non-bailable warrant issued in P.R.C.No.8 of 2014 on



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29.10.2021 by the Judicial Magistrate Court No.I, Tiruvallur, in connection with Crime No.415 of 2013 registered for the offences punishable under Section 302 of IPC, seeks bail.

2. The contention of the learned counsel appearing for the petitioner is that the petitioner, who is a Driver travelling outside his native place, has been arrayed as A3 in P.R.C.No.8 of 2014, pending on the file of the Judicial Magistrate Court No.I, Chennai. He also submitted that the petitioner was not aware of theailable warrant against him and that no summons was issued on him. Further, referring to the e-court status, he submitted that the case was adjourned on 03.05.2021 and subsequently on 18.05.2021, 23.06.2021, 28.07.2021, 22.09.2021 and 22.10.2021 for issuing summons. However, on 29.10.2021, without issuance of summons, a non-bailable warrant was straight away issued against the petitioner. Hence, he prayed for the grant of bail to the petitioner.

3. Learned Government Advocate (Criminal Side) appearing for the respondent opposed for granting bail to the petitioner. He further submitted that there are three accused in this case and out of which, one of the accused died and another one was a juvenile. He further submitted that due to the absence of the petitioner from the year 2021, there is no progress in the trial.



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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 and taking note of 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 (out of which, one surety shall be the family member of the petitioner)** each for a like sum to the satisfaction of the learned **Judicial Magistrate No.I, Tiruvallur**, 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 appear before the committal Court every Tuesday at 10.30 am., until further orders. He shall also appear on all hearing dates even after the committal of the case to the Court of Sessions, without fail;**

[c] the petitioner shall make himself available for interrogation by a Police Officer as and when required;



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[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]**;

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

30.07.2025

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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.



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To

1. The Judicial Magistrate No.I. Tiruvallur .
2. The Inspector of Police,
Tiruvallur Town Police Station,
Tiruvallur.
3. The Superintendent,
Central Prison - II, Puzhal, Chennai.
4. The Public Prosecutor, High Court of Madras.



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M.NIRMAL KUMAR, J.

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