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Crl.O.P.No.21326 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.21326 of 2025

Shanmugam @ Shanmuganathan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
H-6, Dr.Radhakrishnan Nagar Police Station,
Chennai.

(Crime No.3564 of 2020)

... 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.347 of 2021 pertains to Crime No.3564 of 2020 on the file of the learned III Additional Sessions Court, Chennai.

For Petitioner : Mr.A.Samson

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 01.07.2025 pursuant to a non-bailable warrant issued in S.C.No.347 of 2021 on



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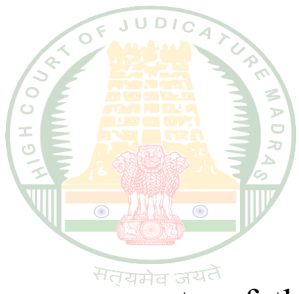
the file of the III Additional Sessions Court, Chennai, in connection with Crime No.3564 of 2020 registered for the offences punishable under Sections 341, 294(b), 324, 307 & 506(ii) of IPC, seeks bail.

2. The contention of the learned counsel appearing for the petitioner is that the petitioner is regularly appearing before the trial Court in connection with S.C.No.347 of 2021 on the file of the III Additional Sessions Court, Chennai and due to his ill health, he was unable to appear before the trial Court on 11.06.2025, thereby, the trial Court had issued a non-bailable warrant against him. 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 the grant of bail to the petitioner.

3. Learned Government Advocate (Criminal Side) appearing for the respondent opposed for granting bail to the petitioner stating that the petitioner is a history sheeted rowdy having 17 previous cases. He further submitted that as far as this case is concerned, it is of the year 2020 and the case has now been posted for arguments on 05.08.2025. Therefore, if the petitioner is released on bail, there is a possibility of him absconding and not available for trial.

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



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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** each for a like sum to the satisfaction of the learned **III Additional Sessions Court, Chennai**, 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 trial Court on every Tuesday at 10.30 am., till completion of trial and he shall also appear 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



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M.NIRMAL KUMAR, J.

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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.

To

1. The III Additional Sessions Court, Chennai.
2. The Inspector of Police,
H-6, Dr.Radhakrishnan Nagar Police Station,
Chennai.
3. The Superintendent, Central Prison, Puzhal – II.
4. The Public Prosecutor, High Court of Madras.

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