



Crl.O.P.No.22399 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2025

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THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

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Anbazhagan

... Petitioner

Vs.

State rep by:-

The Inspector of Police,
Karimangalam Police Station,
Dharmapuri District.
(Crime No.140 of 1994)

... Respondent

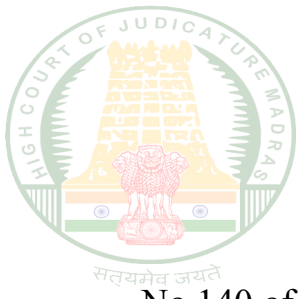
PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the Petitioner on bail in Crime No.140 of 1994 on the file of the respondent police.

For Petitioner : Mr.M.Machavatharan

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 30.01.2025 for the alleged offence under Sections 395, 397 of IPC, in Crime



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No.140 of 1994, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that in the year 1994, the petitioner along with other accused persons joined together committed theft of Idol from the temple situated at Dharmapuri District. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the respondent police remanded the petitioner to judicial custody pursuant to the order passed by the learned Judicial Magistrate, Karimangalam on 30.01.2025. He further submitted that the remand was based on the execution of a NBW issued by the learned Judicial Magistrate, Palacode, Dharmapuri District on 06.07.2019. It is submitted that the occurrence took place in the year 1994, and the charge sheet filed against the petitioner and others in 2006. Thereafter, the petitioner was regularly appeared before the Court till 06.07.2019. Subsequently, he was enlarged on bail by the trial Court. After completion of investigation, the case was taken on file as P.R.C.No.1 of 2006, by the learned Judicial Magistrate, Palacode. In 2019, the petitioner went out of station for employment. Even thereafter, he continued to appear before the Court till 06.07.2019. On that particular day, he unable to appear as he had met with an accident and sustained grievous injuries. He recovered only in February 2020. Thereafter, due to

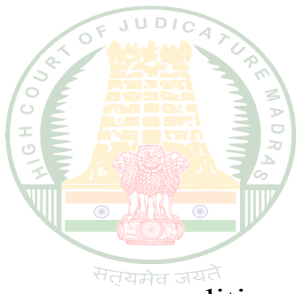


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Nationwide Covid-19 lock down, he was unable to attend Court proceedings. Subsequently, he went abroad for employment. Meanwhile, the case in PRC.No.1 of 2006 was transferred to the learned Judicial Magistrate, Karimangalam, and assigned a new case number as PRC.NO.18 of 2023. However, the learned Judicial Magistrate, Karimangalam, failed to issue summon to the petitioner. Without issuance of summons, an NBW was issued against him, pursuant to which he has been in incarceration from 30.01.2025. Accordingly, the learned counsel prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent submitted that it is a case of jumped out bail. Due to non-appearance of the petitioner before the lower Court, the learned trial judge has issued Non-Bailable Warrant against the petitioner on 06.07.2019 and the petitioner was secured on 30.01.2025. Hence, he vehemently opposed for grant of bail to the petitioner.

5. Taking into consideration the facts and submissions made by both counsels, it reveals that due to illness and lack of communication he was not able to appear, and also considering the period of incarceration undergone by the petitioner, this court is inclined to grant bail to the petitioner with certain



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conditions.

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6. Accordingly, the petitioner is ordered to be released on bail on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, **in which one surety must be a blood surety** for a like sum to the satisfaction of the *learned Judicial Magistrate, Karimangalam*, and on further conditions that:

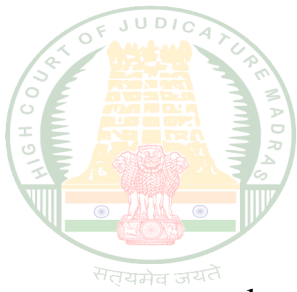
(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall appear before the trial Court on every hearings, without fail.

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the Magistrate/ Trial Court is entitled to take appropriate action against



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the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

11.09.2025

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To

- 1.The Judicial Magistrate, Karimangalam.
- 2.The Inspector of Police,
Karimangalam Police Station,
Dharmapuri District.
3. The Superintendent of Prison, Central Prison, Salem.
- 4.The Public Prosecutor, High Court of Madras.

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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T.V.THAMILSELVI, J.
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