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Crl.O.P.No.25329 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-09-2025

CORAM

THE HONOURABLE MR JUSTICE K. RAJASEKAR

CRL OP NO.25329 of 2025

Kumar

... Petitioner/ Accused

Vs

The State rep. by,
The Inspector of Police,
Kolathur Police Station,
Salem District.
(Crime No.137 of 2022)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to grant bail to the petitioner/accused in
S.C.No.234 of 2022 on the file of the Hon'ble V Additional District Judge,
(Fast Track Court), Mettur.

For Petitioner(s) : Mr. C. Deepakkumar

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



ORDER

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The petitioner, who was arrested and remanded to judicial custody on 10.02.2025 based on execution of NBW in S.C.No.234 of 2022 on the file of the Hon'ble V Additional District Judge, (Fast Track Court), Mettur, registered for the offences punishable under Sections 332(a) and 103 of BNS (Corresponding to Sections 449 and 302 of IPC) in Crime No.137 of 2022 on the file of the respondent police, seeks bail.

2. The learned counsel appearing for the petitioner submitted that originally the petitioner was arrested and released on bail and was regularly appearing before the Trial Court for the case in S.C.No.234 of 2022 and since the petitioner had not appeared before the Trial Court for hearing, NBW was issued as against the petitioner and subsequently arrested on 10.02.2025. He further submitted that this is the second bail application of the petitioner before this Court petitioner is ready to abide by any conditions that may be imposed by this Court and sought for bail to the petitioner.



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3. The learned Government Advocate (Criminal Side) appearing for the respondent while opposing the bail to the petitioner submitted that the petitioner had not appeared before the Trial Court, when the case is posted for hearing; that thereby he was arrested based on execution of NBW issued by the Trial Court. He also submitted that there are totally two accused and the petitioner is arrayed as A2 in this case and the petitioner has one previous case under SC/ST Act; and that there are totally 24 witnesses, who are yet to be examined in this case, therefore the trial is pending for examination of witnesses.

4. Considering the facts of the case, the period of incarceration undergone by the petitioner and taking note of the fact that the trial is still pending, this Court is inclined to grant bail to the petitioner with certain conditions.

5. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.20,000/- (Rupees Twenty Thousand only)** with **two sureties each** for a like sum to the satisfaction of the learned V Additional District Judge, (Fast Track Court), Mettur and on



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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 concerned daily at 10:30 a.m., for a period of four weeks and the petitioner shall appear before the Trial Court on all hearing dates without fail;

[c] the petitioner shall not directly or indirectly cause any threat to the defacto complainant and witnesses and shall not tamper with evidence or witness either during investigation or trial;

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

[e] the petitioner shall not abscond either during investigation or trial;

[f] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to



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Crl.O.P.No.25329 of 2025

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.

25.09.2025

stn

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 V Additional District Judge,
(Fast Track Court), Mettur.

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Crl.O.P.No.25329 of 2025

K. RAJASEKAR, J.

stn

2. The Inspector of Police,
Kolathur Police Station,
Salem District.
(Crime No.137 of 2022)
3. The Superintendent,
Central Prison, Salem.
4. The Public Prosecutor,
High Court of Madras.

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