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Crl.O.P.No.25430 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-09-2025

CORAM

THE HONOURABLE MR JUSTICE K. RAJASEKAR

CRL OP NO.25430 of 2025

Krishnamoorthi

... Petitioner

Vs

The State rep. by,
The Inspector of Police,
Mangalamedu Police Station,
Perambalur District
(Cr.No. 350 of 2018)

`... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to grant bail to the petitioner/accused in Spl S.C.No.12 of 2019 on the file of the learned Sessions Judge, Mahila Court, Perambalur and pass orders.

For Petitioner(s) : Mr. E. Kannadasan

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 04.05.2025 based on execution of NBW dated 22.04.2019 in Spl S.C.No.12 of 2019 on the file of the learned Sessions Judge, Mahila Court, Perambalur for the offences punishable under Sections 5(1), 6,7,8,16, 17 of POCSO Act and Section 363 of I.P.C in Crime No.350 of 2018 on the file of the respondent police, seeks bail.

2. The learned counsel appearing for the petitioner submitted that the petitioner was earlier arrested and released on bail and was regularly appearing before the Trial Court for the case in Spl S.C.No.12 of 2019 and due to his non-appearance before the Trial Court, a NBW was issued as against the petitioner on 22.04.2019 and subsequently, the petitioner was arrested on 04.05.2025. He further submitted that since the summons was not served to the petitioner he was not able to appear before the Court and contest the case effectively. However, the 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 was on bail earlier not appeared before the Trial Court during the pendency of the trial, hence NBW was issued and subsequently, he was arrested. He further submitted that the petitioner has previous antecedents and the trial is yet to commence.

4. Considering the period of incarceration undergone by the petitioner and the fact that the fact that without issuing the summons the petitioner is expected to appear before the Court, 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 Sessions Judge, Mahila Court, Perambalur and on further conditions that:



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[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 three weeks and thereafter, 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 pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions have been



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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.

24.09.2025

smn

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 learned Sessions Judge, Mahila Court, Perambalur
2. The Inspector of Police,
Mangalamedu Police Station,
Perambalur District
3. The Superintendent, Central Prison, Trichirappali
4. The Public Prosecutor,
High Court of Madras.



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K. RAJASEKAR, J.

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