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Crl.O.P.No.26186 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-09-2025

CORAM

THE HONOURABLE MR JUSTICE K. RAJASEKAR

CRL OP NO.26186 of 2025

Desappan

... Petitioner/ Accused

Vs

The State rep. by,
The Inspector of Police,
N-4, Fishing Harbour Police Station,
Chennai.
(Crime No.244 of 2009)

... 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.124 of 2018 on the file of the Hon'ble X Additional District and
Sessions Judge, Chennai.

For Petitioner(s) : Mr. K. Ajith

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 11.08.2025 based on execution of NBW dated 04.04.2025 in S.C.No.124 of 2018 on the file of the Hon'ble X Additional District and Sessions Judge, Chennai, registered for the offences punishable under Sections 397 and 506(ii) of IPC in Crime No.244 of 2009 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.124 of 2018 and since the petitioner had not appeared before the Trial Court on 04.04.2025; that a NBW was issued as against the petitioner and subsequently arrested on 11.08.2025. He further submitted that the petitioner was arrested in another Crime No.262 of 2025 by N2, Kasimedu Police Station on 10.06.2025 and enlarged on bail on 01.08.2025; that while the petitioner voluntarily surrendered before the Court on 11.08.2025, he was arrested and his recall petition was dismissed. He further submitted that 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 had not appeared before the Trial Court; that thereby he was arrested based on execution of NBW issued by the Trial Court. He also submitted that the petitioner has previous antecedents and there are totally six accused in this case and the NBW against other accused is still pending; and that the trial is pending.

4. Considering the fact that the petitioner surrendered himself before the Trial Court by filing a recall warrant petition and he is under custody from 11.08.2025 and 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 XVI Metropolitan Magistrate, George Town, Chennai 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 two 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



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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.

23.09.2025

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 X Additional District and Sessions Judge, Chennai.

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K. RAJASEKAR, J.

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2. The XVI Metropolitan Magistrate,
George Town, Chennai.
3. The Inspector of Police,
N-4, Fishing Harbour Police Station,
Chennai.
(Crime No.244 of 2009)
4. The Superintendent,
Central Prison, Puzhal-II.
5. The Public Prosecutor,
High Court of Madras.

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