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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **27-10-2025**

CORAM

THE HONOURABLE MR JUSTICE K. RAJASEKAR

CRL OP NO.29164 of 2025

Gopi @ Balamurugan ... Petitioner/ Accused

Vs

The State rep. by,
The Deputy Superintendent of Police,
EOW, Nagapattinam.
(Crime No.19 of 2014) ... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to grant bail to the petitioner/accused in C.C.No.12 of 2023 on the file of the learned Special Judge, Special Court under TNPID Act at Chennai.

For Petitioner(s) **:** M/s. K. Sushmitha

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

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ORDER

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The petitioner, who was arrested and remanded to judicial custody on 29.08.2025 based on execution of NBW dated 18.06.2024 in C.C.No.12 of 2023 on the file of the learned Special Judge, Special Court under TNPID Act at Chennai for the offences punishable under Sections 406, 420 of IPC and 5 of TNPID Act in Crime No.19 of 2014 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that, the petitioner joined hands with other accused involved in running chit firm and thereby cheated the defacto complainant and others; that a criminal case was registered in Crime No.19 of 2014 and the petitioner was earlier arrested and granted bail on condition to execute a bond for Rs.2,00,000/- with two sureties for like sum each; that thereafter, after execution of sureties, the petitioner had absconded and shifted his place of abode; that subsequently, final report was filed in the year 2023 and since the petitioner has absconded and summons as against the petitioner could not be served, NBW was issued against the petitioner on 18.06.2024; that even after that, the NBW could not be executed, hence notices were issued as against the sureties of the petitioner u/s. 446 of Cr.P.C for forfeiture of bond and subsequently, the same was secured on 29.08.2025 and remanded to judicial custody.

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3. The learned counsel appearing for the petitioner submitted that the petitioner is working in Tirupur and since the complaint is of the year 2014, he was not aware about the final report filed by the respondent and he was not served with summons after filing of the final report. She further submitted that the petitioner was arrested on 29.08.2025 based on execution of NBW. She 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.

4. The learned Government Advocate (Criminal Side) appearing for the respondent while opposing the bail to the petitioner reiterated the prosecution case and submitted that the NBW was issued as against the petitioner on 18.06.2024 and the petitioner was secured only on 29.08.2025 nearly after one year; that the trial proceedings is yet to commence.

5. I have considered the submissions made on both sides and perused the materials available on record, which shows that the petitioner was earlier granted bail in Crime No.19 of 2014 on his executing bond of Rs.2,00,000/- with two sureties for like sum each; that subsequently, the

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final report was filed only in the year 2023, NBW was issued on 18.06.2024 and the petitioner was secured by the respondent police based on the NBW only after initiation of proceedings under Section 446 of Cr.P.C for forfeiture of bond, NBW executed against the petitioner herein.

6. Considering the above facts, the petitioner was earlier granted bail and the final report was also filed in this case, the period of incarceration undergone by the petitioner and the fact that the trial proceedings has not yet commenced, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.2,00,000/- (Rupees Two Lakhs only)** with **two sureties each** for a like sum to the satisfaction of the **learned Special Judge, Special Court of TNPID Act at 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

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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 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 and shall not abscond either during investigation or trial;

[e] 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 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**];**

K. RAJASEKAR, J.

stn

[f] If the accused thereafter absconds, a fresh FIR

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can be registered under Section 269 of B.N.S.

27.10.2025

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 Special Judge,
   Special Court of TNPID Act at Chennai.

2. The Deputy Superintendent of Police,
   EOW, Nagapattinam.
   (Crime No.19 of 2014)

3. The Superintendent,
   Central Prison, Puzhal-II.

4. The Public Prosecutor,
   High Court of Madras.

Crl.O.P. No.29164 of 2025

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