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Crl.O.P.Nos.31273 & 3135



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.11.2025

CORAM :

THE HON'BLE MR. JUSTICE K. RAJASEKAR

Crl.O.P.Nos.31273 & 31356 of 2025

Vijayakumar @ Viji @ Idli

... Petitioner in both OP's

-VS-

State Rep by,
The Inspector of Police,
H-3 Tondiarpet Police Station,
Chennai 600 081.

... Respondent in both OP's

Common Prayer:- Criminal Original Petitions filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail pending trial in S.C.Nos.492 & 491 of 2025, respectively on the file of the Hon'ble III Additional Sessions Judge, City Civil Court, Chennai, arising out of Crime Nos.501 & 373 of 2002, respectively.

In both OP's

For Petitioner : Mr.A.Nirmal Kumar

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

COMMON ORDER



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The petitioner, who was arrested and remanded to judicial custody on 15.05.2025, for the alleged offence punishable under Sections 341, 336, 397, 506(ii) IPC in Crime No.501 of 2002 and Sections 379 r/w 395 IPC in Crime No.373 of 2002, on the file of the respondent police, seeks bail.

2. It is submitted by the learned counsel for the petitioner that the petitioner is in custody since 15.05.2025 in connection with the crime number. The petitioner has also approached the Principal Sessions Court in Crl.M.P.No.7282 of 2025 in S.C.No.492 of 2025 and in Crl.M.P.No.7280 of 2025 in S.C.No.491 of 2025 and he was granted bail on medical ground. However, he was not able to execute the sureties and he was still in custody in the crime number. The trial Court under the assumption that the petitioner was not appeared before the Court and NBW was issued on 07.10.2025 and subsequently based on PT warrant he was produced before the Court, remanded to custody in this case. He further submitted that since the petitioner herein is already in custody from 15.05.2025, there is no need for issuance for NBW once again and to detained in the custody.

3. Learned Government Advocate (Crl. Side) appearing on behalf of the respondent police submitted that earlier the petitioner was granted bail by the



Principal Sessions Court in S.C.Nos.492 & 491 of 2025, respectively (present cases) by order dated 12.08.2025. However, it is stated that the petitioner herein

was not arrested earlier, only on the basis of NBW, arrested on 28.10.2025.

Hence, he opposed to grant of bail to the petitioner.

4. I have perused the records. It is seen, that there is a serious irregularity in granting bail to the petitioner in Crl.M.P.Nos.7282, 7280 of 2025 in S.C.Nos.492 & 491 of 2025 since I am of the view that once the case is committed and pending before the III Additional Sessions Court, City Civil Court, Chennai, any bail petition with regard to the very same Sessions case shall be filed and entertained only by the concerned trial Court not by the Principal Sessions Judge, since the case is already pending trial before the other Court. This resulted in passing conflict in orders. On perusal of orders of both Courts, this Court unable to understand whether the petitioner was really arrested earlier as stated in Crl.M.P.Nos.7282, 7280 of 2025. It is stated by the Principal Sessions Judge that NBW was issued as early as on 26.11.2024 and the same was executed on 15.05.2025, whereas in the order passed by the trial Judge in Crl.M.P.Nos.10730 & 10729 of 2025 it stated that the petitioner herein was in judicial custody in connection with another Crime No.375 of 2025 and it is also stated by the concerned trial Court in S.C.No.491 of 2025 was split up case of the



Crime No.373 of 2002, whereas this case is connection with Crime No.501 of 2002, hence the facts stated in both the orders are not giving clear picture regarding the manner in which the petitioner was arrested.

5. Be as it may be, considering the facts now stated that the petitioner has been arrested by way of NBW on 28.10.2025, it is also revealed that the petitioner was granted bail in connection with this case and he has not availed the benefit of bail, I am inclined to grant bail to the petitioner, subject to certain conditions.

6. Accordingly, the petitioner are ordered to be released on bail on their executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties, each for a like sum to the satisfaction of the *learned III Additional Sessions Judge, City Civil Court, Chennai*, 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 report before the III



**Additional Sessions Judge, City Civil Court, Chennai daily at
10.30 a.m., for a period of three weeks;**

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

[d] the petitioner shall not tamper with the evidence or witness either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the 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)AIR SCW 5560];

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

17.11.2025

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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 III Additional Sessions Judge, City Civil Court, Chennai.
- 2.The Inspector of Police,
H-3 Tondiarpet Police Station,
Chennai 600 081.
- 3.The Superintendent of Prison,
Central Prison, Puzhal-II, Chennai.
- 4.The Public Prosecutor,
High Court, Madras.

K. RAJASEKAR, J.

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