



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-12-2025

CORAM

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

CRL OP NO.33552 of 2025

Muthukumaran

Petitioner

Vs

The State Represented by
The Inspector of Police,
Sankarapuram Police Station,
Kallakurichi District.
Crime No.624 of 2012.

Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail concerned in C.C.No.35 of 2015 pending trial before the learned Judicial Magistrate Court, Sankarapuram.

For Petitioner:

Mr.S.N.Arunkumar

For Respondent:

Mr.A.Gopinath
Government Advocate (Crl.side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 11.11.2024 for the alleged offence punishable under Section 379 of



IPC, in Crime No.624 of 2012 on the file of the respondent police, seeks bail.

2. The allegation against the petitioner is that the petitioner was earlier arrested and released on bail. Subsequently, the petitioner did not appear before the concerned trial Court, and hence Non-Bailable Warrant (NBW) was issued against him on 28.12.2015, and the same was executed on 11.11.2024.

3. Learned counsel appearing for the petitioner submitted that the petitioner was earlier arrested in this case and subsequently, the respondent police started to foist several cases against him. To avoid such circumstances, the petitioner left for Bangalore. He further submitted that after filing of the final report, summons were not served on him, and without such service, NBW was issued. He further submitted that was not aware of the issuance of NBW and only recently, the petitioner came to know that he was arrested and he is in judicial custody for more than one year. Hence, he prayed to grant bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner is facing 10 previous cases, and as far as present case is concerned, it has been since 2015. He further



submitted that NBW was issued against the petitioner and that he had absconded for nearly 9 years. Hence, he opposed to grant bail to the petitioner.

5. This Court on perusal of the FIR and other connected records, it is seen that the petitioner is in judicial custody since 11.11.2024 for almost one year. It is also noted that the trial is also progressing, and some of the witnesses already examined, while several others are yet to be examined.

6. Considering the submissions made by the learned counsel on either side and though the petitioner is having previous cases taking into account the fact that the petitioner is in judicial custody since 11.11.2024, and his incarceration is the substantial period of punishment prescribed, 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.20,000/- (Rupees Twenty Thousand only)** with two sureties, for a like sum to the satisfaction of the *learned Judicial Magistrate Court, Sankarapuram*, 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 Trial Court daily at 10.30 a.m., for a period of four weeks and thereafter as and when required for interrogation.

[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.

08.12.2025

drl

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 Judicial Magistrate Court,
Sankarapuram.
- 2.The Inspector of Police,
Sankarapuram Police Station,
Kallakurichi District.
- 3.The Superintendent,
Central Prison, Cuddalore.
- 4.The Public Prosecutor,
High Court, Madras.



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K.RAJASEKAR, J.,

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