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Crl.O.P.No.33804 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-12-2025

CORAM

THE HONOURABLE MR JUSTICE K. RAJASEKAR

CRL OP NO.33804 of 2025

Rajalingam

... Petitioner/ A5

Vs

The State rep. by,
The Inspector of Police,
Harur Police Station,
Dharmapuri District.
(Crime No.585 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 S.C.No.23 of 2023 on the file of the learned Additional District Cum Sessions Judge, Dharmapuri District.

For Petitioner(s) : Mr. J. Pradeep

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



WEB COPY

Crl.O.P.No.33804 of 2025



ORDER

The petitioner, who was arrested and remanded to judicial custody on 24.10.2025 based on execution of NBW dated 01.08.2025 in S.C.No.23 of 2023 on the file of the learned Additional District Cum Sessions Judge, Dharmapuri District for the offences punishable under Sections 394 and 395 of IPC, seeks bail.

2. The learned counsel appearing for the petitioner submitted that originally the petitioner was earlier arrested and released on bail and was regularly appearing before the Trial Court for the case in S.C.No.23 of 2023; that the petitioner is a coolie worker at Andhra Pradesh and due to his ill health, he could not able to appear before the Trial Court on 01.08.2025, a NBW was issued as against the petitioner and subsequently, the petitioner was arrested on 24.10.2025. 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.

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, since he has not appeared before the Trial Court during the pendency of the trial, a NBW was issued and subsequently, he was arrested; and that the case is posted for hearing on 12.12.2025.

4. I have considered the submissions made on both sides and perused the materials available on record.

5. Considering the facts of the case, the trial is pending and taking note of the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties each** for a like sum to the satisfaction of the **learned Additional District Cum Sessions Judge, Dharmapuri** 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,



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Crl.O.P.No.33804 of 2023



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 the 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 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]**;



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Crl.O.P.No.33804 of 2025

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

10.12.2025

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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 Additional District Cum Sessions Judge,
Dharmapuri.
2. The Inspector of Police,
Harur Police Station,
Dharmapuri District.
(Crime No.585 of 2014)

K. RAJASEKAR, J.

stn



Crl.O.P.No.33804 of 2025

WEB COPY

3. The Superintendent,
District Jail, Dharmapuri.
4. The Public Prosecutor,
High Court of Madras.

Crl.O.P. No.33804 of 2025

10.12.2025