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CRL OP No. 35525 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-12-2025

CORAM

THE HONOURABLE MR.JUSTICE P. DHANABAL

CRL OP No. 35525 of 2025

1. M.Bharathimohan
S/o.Mani, No.1/126, anthiyur,
thavittupalayam, Erode - 638 501

Petitioner(s)

Vs

1. The State rep By its,
The Inspector of Police, Nallur Police
Station, Tiruppur District
Cr.No.593/2022

Respondent(s)

PRAYER

To enlarge the petitioner on bail pending trial in SPL.SC.No.1 of 2023 on the file of the Honble Sessions Judge, Mahalir Neethimandram, Fast Track Mahila Court, Tiruppur.

For Petitioner(s): P.Thinesh

For Respondent(s): Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested on NBW and remanded to judicial custody on 03.09.2025, for the alleged offence punishable under Sections 366 of IPC and section 5(1) r/w. 6 of POCSO Act, 2012 in Crime No.593 of 2022, on the file of the respondent police, seeks bail.



2.It is a case of jumped bail. The petitioner is facing trial in S.C No.1 of 2023 on the file of the Sessions Judge, Mahalir Neethimandram (Fast Track Mahila Court),Tiruppur for the offences under Section 366 of IPC and section 5(1) r/w. 6 of POCSO Act, 2012. Since the petitioner did not appear before the learned Sessions Judge, Mahalir Neethimandram (Fast Track Mahila Court),Tiruppur on 21.08.2023, the learned trial Judge issued Non Bailable Warrant against the petitioner and pursuant to which, the petitioner has approached this Court seeking for bail.

3.The learned counsel for the petitioner would submit that earlier the petitioner was granted bail and thereafter, he was regularly appearing before the court and that due to ill health, he was unable to attend the court and therefore, NBW was issued against him on 31.08.2023, pursuant to which he was arrested and remanded on 03.09.2025. He would further submit that the petitioner also undertakes to appear before the trial court on all hearing dates without any default. Therefore, the petitioner may be enlarged on bail.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that earlier the petitioner was granted bail and thereafter, due to his non appearance, NBW was issued and the same was



executed after two years. He further submitted that due to the absence of the petitioner, the trial is stalled. He further submitted that the investigation in this case is completed and the charge sheet was filed and the case is posted for trial.

Hence, he opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the rival submissions made by the learned counsel on either side, the nature of the offence, and also considering the period of incarceration by the petitioner, and that the investigation has been completed and the charge sheet was filed and the case is posted for trial, this Court is inclined to grant bail to the petitioner, subject to certain conditions.

[a] Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the Sessions Judge, Mahalir Neethimandram, (Fast Track Mahila Court), Tiruppur, and on further conditions that:-

[b] the petitioner shall report before the POCSO Court on all



working days at 10.30 a.m., until further orders.

[c] the petitioner shall not commit any offence similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

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

[e] the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence;

[f] On breach of any of the aforesaid conditions, the learned Judicial 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered



under Section 269 BNS.

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Index: Yes/No

Speaking/Non-speaking order

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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 Sessions Judge, Mahalir Neethimandram, (Fast Track Mahila Court),

Tiruppur.

2. The State rep By its,
The Inspector of Police, Nallur Police
Station, Tiruppur District
Cr.No.593/2022

3. The Superintendent, Central Prison,
Coimbatore.

4. The Public Prosecutor
High Court of Madras.



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P.DHANABAL J.
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