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CrI.O.P.No.1792 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **04-02-2026**

CORAM

THE HONOURABLE MR JUSTICE K. RAJASEKAR

CRL OP NO.1792 of 2026

Esakkipandi

... Petitioner/ A1

Vs

The State rep. by,
The Inspector of Police,
Kunnathur Police Station,
Thirupur District.
(Crime No.94 of 2023)

... 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.222 of 2023 on the file of the Sessions, Magalir Neethimandram, (Fast Track Court), Tiruppur.

For Petitioner(s) : Mr. K. Shivakumar

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



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Crl.O.P.No.1792 of 2025



ORDER

The petitioner, who was arrested and remanded to judicial custody on 07.03.2025 based on execution of NBW dated 02.09.2024 in S.C.No.222 of 2023 on the file of the Sessions, Magalir Neethimandram, (Fast Track Court), Tiruppur for the offences punishable under Sections 395, 397, 109 and 365 of IPC, seeks bail. This is the successive fifth bail application of the petitioner herein.

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.222 of 2023; that due to his ill health, the petitioner was unable to appear before the Trial Court on 02.09.2024, a NBW was issued against the petitioner and subsequently, he was arrested on 07.03.2025. 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; that the petitioner has 8 previous cases; that the case is posted for examination of witnesses.

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

5. Considering the submissions made, facts of the case, though it is stated that the petitioner herein has previous antecedents, he was already granted bail in this case 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 Sessions Judge, Magalir Neethimandram, (Fast Track Court), Tiruppur** and on further conditions that:

[a] the sureties shall affix their photographs and Left



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Crl.O.P.No.1792 of 2020

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 of the identity proofs to ensure their identity;

[b] the petitioner shall appear before the Trial Court concerned daily at 10:30 a.m., until further orders;

[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]**;



Crl.O.P.No.1792 of 2026

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

04.02.2026

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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.

K. RAJASEKAR, J.



Crl.O.P.No.1792 of 2026

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To

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1. The Sessions Judge,
Magalir Needhi Mandram (Fast Track Mahila Court),
Tiruppur.
2. The Inspector of Police,
Kunnathur Police Station,
Thirupur District.
(Crime No.94 of 2023)
3. The Superintendent,
Central Prison, Palayamkottai.
4. The Public Prosecutor,
High Court of Madras.

Crl.O.P. No.1792 of 2026

04.02.2026