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Crl.O.P.No.577 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-01-2026

CORAM

THE HONOURABLE MR JUSTICE K. RAJASEKAR

CRL OP NO.577 of 2026

A. Mubarak

... Petitioner/ Accused

Vs

The State rep. by,
The Inspector of Police,
Tambaram Police Station,
Chennai District.
(Crime No.2622 of 2014)

... Respondent

PRAYER : Criminal Original Petitions filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to grant bail to the petitioner/accused in S.C.No.142 of 2016 pending trial on the file of the learned Additional District Judge, Chengalpattu.

For Petitioner(s) : Mr. M. Jaikumar

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



ORDER

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The petitioner herein, who was arrested and remanded to judicial custody on 04.06.2024 pursuant to a Non-Bailable Warrant issued against him on 20.06.2017 in S.C.No.142 of 2016 pending trial on the file of the learned Additional District Judge, Chengalpattu, for the offences punishable under Sections 450, 302, 380 r/w 34 of IPC, seeks bail. This is the fourth successive bail application of the petitioner and the earlier bail application of the petitioner in Crl.O.P.No.5335 of 2025 was dismissed by this Court, vide order dated 01.04.2025 with the following observation and direction:

“6. Considering the aforesaid facts, the fact that the earlier bail application of the petitioner was dismissed for the very same reason, this Court is not inclined to grant bail to the petitioner at this stage.

7. Accordingly, this Criminal Original Petition is dismissed. However, the petitioner cannot be incarcerated for an indefinite period during trial. Hence, the Trial Court may conclude the trial as expeditiously as possible. If the trial is not concluded within a period of six months, the petitioner shall be at liberty to renew the bail application.”

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.142 of 2016; that due to ill health, he was unable to appear before the Trial Court in



this case on 20.06.2017, hence a NBW was issued against the petitioner and subsequently, the petitioner was arrested and remanded to judicial custody on 04.06.2024; that this Court, while dismissing the earlier bail application of the petitioner, vide order dated 01.04.2025 in Crl.O.P.No.5335 of 2025 directed the Trial Court to conclude the trial as expeditiously as possible and also with a liberty that if the trial is not concluded within a period of six months, the petitioner shall renew the bail application; that the trial is not yet concluded and there is no progress in the trial, hence prays to grant 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 had not appeared before the Trial Court during the pendency of the trial, a NBW was issued and subsequently, he was arrested; and that the trial is yet to be concluded.

4. I have considered the submissions made on both sides and perused the materials available on record. On perusal of the report received from the Trial Court, it states that the charges of this case are not yet framed due to non-cooperation of other accused in the trial.



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5. Considering the above facts and taking note of the period of incarceration undergone by the petitioner and earlier petitioner was granted bail and regularly appeared before the Trial Court, 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 Judge, Chengalpattu** 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, 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;



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[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]**;

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

30.01.2026

stn

K. RAJASEKAR, J.

stn

Note :



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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 Judge,
Chengalpattu.
2. The Inspector of Police,
Tambaram Police Station,
Chennai District.
(Crime No.2622 of 2014)
3. The Superintendent,
Central Prison, Puzhal.
4. The Public Prosecutor,
High Court of Madras.

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