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Crl.O.P.No.360 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.01.2026

CORAM

THE HONOURABLE MR JUSTICE K. RAJASEKAR

CRL OP NO.360 of 2026

Mahalingam

... Petitioner

Vs

The Inspector of Police,
Nagapattinam Town Police Station,
(Crime No.149 of 2019)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to grant bail to the petitioner/accused in SC No. 139 of 2025 on the file of District and Session Judge, Nagapattinam and pass orders.

For Petitioner(s) : Mr. S. Sridevi

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 15.09.2025 on execution of NBW on 23.07.2025 in SC No. 139 of 2025 on the file of District and Session Judge, Nagapattinam registered for the offences punishable under Section 399 of I.P.C in Crime No 149 of 2019 on the file respondent police, 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 SC No. 139 of 2025 on the file of District and Session Judge, Nagapattinam and due to his non-appearance before the Trial Court NBW was issued as against the petitioner. He further submitted due to ill health he was not able to appear before the Court below. 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 on getting enlarged on bail alleged to have failed to comply the condition to appear before the Trial Court, however since the petitioner failed to appear, a NBW was issued and subsequently, he was arrested. He further submitted that there is no previous case pending against the petitioner.

4. Considering the period of incarceration undergone by the petitioner and the fact that there is no previous case pending against the



petitioner. this Court is inclined to grant bail to the petitioner with certain conditions.

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5. 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 Judicial Magistrate No.1, Nagapattinam** 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., for a period of three weeks and thereafter, on all 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;



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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.

09.01.2026

smn

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



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1. **The Judicial Magistrate No.1, Nagapattinam**

2. The Inspector of Police,
Nagapattinam Town Police Station,

3. The Superintendent,
Central Prison, Cuddalore

4. The Public Prosecutor,
High Court of Madras.



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K. RAJASEKAR, J.

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