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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2026

CORAM

THE HONOURABLE MR JUSTICE K. RAJASEKAR

CRL OP NO.1908 of 2025

Sasikumar

... Petitioner/ A8

Vs

The State rep. By its
Inspector of Police,
All Women Police Station,
Thiruthuraipoondi,
Tiruvarur District.
(Crime No.11 of 2022)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to grant bail to the petitioner/accused in
Spl. S.C.No. 58of 2022 on the file of the Sessions Judge Fast Track Mahila
Court, Tiruvarur

For Petitioner(s) : Mr. S. Arivazhagan

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



ORDER

The petitioner, who was arrested and remanded to judicial custody on 12.06.2025 based on execution of NBW dated 21.05.2025 in Spl. S.C.No. 58 of 2022 on the file of the Sessions Judge Fast Track Mahila Court, Tiruvarur for the offences punishable under Sections 361 r/w 363 of IPC and Section 3(b) read with Section 4(2) of the POCSO Act in Crime No.11 of 2022 on the file of the 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 Spl. S.C.No. 58 of 2022 on the file of the Sessions Judge Fast Track Mahila Court, Tiruvarur and due to his non-appearance before the Trial Court, a NBW was issued as against the petitioner on 21.05.2025 and subsequently, the petitioner was arrested on 12.06.2025. He further submitted that due to his health condition he was unable to appear before the Court below, hence NBW was issued. However, the petitioner is ready to abide by any conditions that may be imposed by this Court and sought for bail to the petitioner.



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3. The learned Government Advocate (Criminal Side) appearing for the respondent while opposing the bail to the petitioner submitted that the petitioner was granted bail earlier he has not appeared before the Trial Court 21.05.2025, hence NBW was issued against the petitioner and subsequently, he was arrested on 12.06.2025. He further submitted that the trial is pending and the case is posted for examination of L.W..1.

4. Considering the period of incarceration undergone by the petitioner and the fact that the petitioner has been earlier arrested and released on bail and the petitioner failed to appear before the Court below on 21.05.2025 NBW was issued to him and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

5. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with **two sureties each** for a like sum to the satisfaction of the Sessions Judge, Fast Track Mahila Court, Tiruvarur District 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 two 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;

[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

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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, Fast Track Mahila Court, Tiruvarur District
2. Inspector of Police,
All Women Police Station,
Thiruthuraipoondi, Tiruvarur District.
3. The Superintendent,
Central Prison, Trichy.
4. The Public Prosecutor,
High Court of Madras.

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K. RAJASEKAR, J.

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