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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **05.02.2026**

CORAM :

THE HON'BLE MR. JUSTICE K. RAJASEKAR

Crl.O.P.No.2681 of 2026

Biswajith @ Manwal Tirkey

... Petitioner

-VS-

State Rep by,
The Inspector of Police,
J-3 Guindy Police Station,
Chennai.
(Crime No.1197 of 2014)

... Respondent

Prayer:- Criminal Original Petition filed under Section 483 of BNSS, 2023, to
enlarge the petitioner on bail pending trial in SC.No.620 of 2025 on the file of
the XVII Additional Sessions Judge, Chennai in Crime No.1197 of 2014.

For Petitioner : Mr.M.Ramkumar

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on
25.08.2025 for the offences punishable under Sections 342, 302 r/w 34 of IPC,
in Crime No.1197 of 2014, registered on the file of the respondent police,
seeks bail.



2. The allegation against the petitioner is that the petitioner was earlier arrested and released on bail. Subsequently, due to ill-health, the petitioner failed to appear before the concerned trial Court, and hence Non-Bailable Warrant (NBW) was issued against him on 24.12.2016, and the same was executed on 25.08.2025.

3. The learned counsel appearing for the petitioner/A2 submitted that the cases against A1 and A2 have been split up and are pending at the PRC stage and that A3 has already been granted bail by this Court in CrI.OP.No.14802 of 2025 dated 09.05.2025. He further submitted that there was no proper service of notice prior to the committal proceedings, and therefore the petitioner was not aware of NBW. He further submitted that the petitioner came to know of the same only recently, pursuant to which the petitioner was arrested on 25.08.2025 and that he is ready to co-operate with the investigation. Hence, he prays to grant bail to the petitioner.

4. The learned Government Advocate (CrI. Side) reiterated the prosecution case and submitted that the case is now pending in S.C.No.620 of 2025 on the file of XVII Additional Sessions Court, Chennai and the next date of hearing is on 11.02.2026. Hence, he opposed to grant bail to the petitioner.

4. Heard both sides and perused the materials available on record.

5. Considering the fact that the similarly placed co-accused was granted bail by this Court in CrI.OP.No. 14802 of 2025 dated 09.05.2025, that the



petitioner has been secured very recently and further considering the period of incarceration, this Court is inclined to grant bail with certain conditions.

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6. 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 learned **XVII Additional Sessions Judge, Chennai**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall appear before the Trial Court, daily at 10.30 a.m., until further orders.

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

[d] the petitioner shall not tamper with the evidence or witness either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned 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];

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

05.02.2026

drl

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 XVII Additional Sessions Judge,
Chennai.
- 2.The Inspector of Police,
J-3 Guindy Police Station,
Chennai.
- 3.The Superintendent,
Central Prison, Puzhal, Chennai.
- 4.The Public Prosecutor,
High Court, Madras.



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K. RAJASEKAR, J.

drl

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