



WEB COPY

CRL OP No. 4875 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-03-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 4875 of 2026

Appuraj @ Chinnathambi

..Petitioner

Vs

State Rep. by
The Inspector of police
D-1, Triplicane Police Station,
Chennai. Crime No. 241/2024.

..Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in S.C.No. 123 of 2025 on the file pending trial before the Principal Sessions Judge, Chennai.

For Petitioner:

Mr.D.Murugan

For Respondent:

Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 09.12.2025 for the alleged offences under Sections 296(b), 103(1), 351(3) of Bharatiya Nyaya Sanhita, 2023, in Crime No.241 of 2024 on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 09.12.2025, the petitioner appeared before the trial Court and on that day L.W.6 and L.W.9 were present and examined as P.W.4 to P.W.65 and documents were marked. Thereafter, the



counsel for the petitioner failed to appear before the trial Court and the petitioner did not take steps to proceed with the trial. It is alleged that the defence adopted delaying tactics and the petitioner did not co-operate for conducting the trial. Hence, the trial Court remanded the petitioner to judicial custody on the same day.

3. The learned counsel appearing for the petitioner submitted that the petitioner has now engaged a new counsel and vakalat has been filed. It is also submitted that a petition has been filed before the trial Court under Section 348 of the BNSS, 2023 to recall the witnesses and the same is pending. The petitioner is a permanent resident of the address mentioned and he will not abscond. He is ready to co-operate with the trial proceedings. Hence, he seeks to enlarge the petitioner on bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that the petitioner has not been co-operating with the trial proceedings and the trial Court remanded the petitioner only because the defence adopted delaying tactics and failed to cross-examine the witnesses. Hence, he opposed to release the petitioner on bail.

5. I have given anxious consideration to the submissions made by the learned counsel on either side.



6. From the submissions made by the learned counsel on either side, this Court finds that the petitioner was remanded to judicial custody on the ground that he was dragging the trial without even cross-examining the witnesses. It appears that the petitioner was remanded to judicial custody on 09.12.2025 and even thereafter, the petitioner has not taken any steps to cross-examine the witnesses. As per the e-Courts diary, the following order is made:

“Accused is present. LW.10, LW9 and LW6 are present and examined as PW4 to PW6 marked. Defence counsel did not appear. Junior counsel represented that his senior is out of station and therefore he cannot cross examine the witnesses. Defence is adopting delaying tactics. Since accused is not co-operating for trial as per the decision of the Honourable Apex court in Sambu Nath Singh case, the bail bond of the accused is forfeited and the accused is remanded to judicial custody as per explanation to S.346 of BNSS call on 10.12.2025 for further witnesses.”

7. In view of the above, if the petitioner is enlarged on bail, there is a every possibility that he may further delay or tamper with the progress of the trial. In such circumstances, this Court does not find any reason to interfere with the order passed by the trial Court. Therefore, this Court is not inclined to grant bail to the petitioner.

8. Accordingly, the Criminal Original Petition is ***dismissed***.

NSL

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C.KUMARAPPAN, J.

NSL

To

1. The Inspector of police
D-1, Triplicane Police Station,
Chennai.

2. The Public Prosecutor, High Court of Madras.

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