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Crl.A.No.356 of 2026

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**Dated : 13.05.2026**

**CORAM**

**THE HON'BLE MR.JUSTICE P.DHANABAL**

**CRL.A.No.356 of 2026**

Ajithkumar

... Appellant /Accused No.1

**Vs**

1. The State,  
Rep. by The Inspector of Police,  
Thalaignayiru Police Station,  
Nagapattinam.  
(Crime No.44 / 2018)
2. The Deputy Superintendent of Police,  
Vedranyam Division,  
Nagapattinam District.
3. Selvakumar

... Respondents

(R2 & R3 are impleaded as per the order of this Court dated 16.04.2026 in Crl.M.P.No.6985 of 2026 in Crl.A.No.356 of 2026)

**PRAYER:** - Criminal Appeal filed under Section 14-A(ii) of SC/ST (POA) Act, 1989 as amended by Act, 1 of 2016, to call for the records pertaining to the order dated 12.09.2025 made in Crl.M.P.No.733 of 2025 on the file of the District and Sessions Judge at Nagapattinam and set aside the same and enlarge the appellant on bail in connection with Spl.S.C.No.24 of 2019 in Crime No.44 of 2018 on the file of the respondent Police.



Crl.A.No.356 of 2026

For Appellant : Mr. U.Kathiravan

For Respondent : Mr.A.Damodaran  
Addl. Public Prosecutor for R1 & R2

### **J U D G M E N T**

The present criminal appeal has been filed to set aside the impugned order, dated 12.09.2025 made in Crl.M.P.No.733 of 2025 on the file of District and Sessions Judge, Nagapattinam and enlarge the appellant on bail in connection with Spl.S.C.No.24 of 2019 in Crime No.44 of 2018 on the file of the respondent Police.

2. The appellant submits that he is facing trial for the offences punishable under Sections 147, 148, 294(b), 506(ii), 326 & 363 of IPC r/w Section 3(1)(r), 3(1)(s), 3(2)(va) of SC & ST Act in Spl.S.C.No.24 of 2019 arising out of Crime No.44 of 2018.

3. The case of the prosecution is that the petitioner, along with others attacked the de facto complainant and abused him in filthy language, pursuant to which a complaint came to be lodged. Thereafter, the respondent Police filed a charge sheet before the learned District and



Crl.A.No.356 of 2026

Sessions Judge, Nagapattinam in Spl.S.C.No.24 of 2019. He has been regularly appearing before the trial Court without default. However, due to unavoidable circumstances, he was unable to appear before the trial Court on 11.07.2025, which resulted in the issuance of Non-Bailable warrant against him. Subsequently, the respondent Police arrested the appellant on 08.08.2025 for execution of the said warrant. He further submits that he has not committed any offence as alleged by the prosecution and that he is innocent. Aggrieved over the same, the present appeal has been filed.

4. Today, when the appeal came up for hearing, there is no representation on the side of the third respondent / de facto complainant.

5. On the other hand, the learned Additional Public Prosecutor appearing for the respondents 1 & 2 submitted that the charge sheet has already been filed before the learned District and Sessions Judge, Nagapattinam in Spl.S.C.No.24 of 2019 and the case is pending for trial. It is further submitted that the appellant failed to appear before the trial Court on 11.07.2025 and consequently, a Non-Bailable Warrant came to

3/8



Crl.A.No.356 of 2026

be issued against him. Thereafter, the respondent Police secured the appellant on 08.08.2025 in execution of the said warrant. Therefore, the learned Additional Public Prosecutor opposed the grant of bail to the appellant.

6. I have considered the rival submissions made by the learned counsels appearing on either side.

7. It is seen that due to non-appearance of the appellant before the trial Court, Non Bailable Warrant was issued and the same was executed on 08.08.2025 and he is in prison till date. Considering the above facts and circumstances of the case and also the incarceration period of the petitioner from 08.08.2025, this Court is inclined to allow the criminal appeal by setting aside the order, dated 12.09.2025 made in Crl.M.P.No.733 of 2025 on the file of the learned District and Sessions Judge, at Nagapattinam.



Crl.A.No.356 of 2026

8. Accordingly, the Criminal Appeal is allowed and the order, dated 12.09.2025 made in Crl.M.P.No.733 of 2025 on the file of the learned District and Sessions Judge, at Nagapattinam, is set aside. The appellant 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 District and Sessions Judge, Nagapattinam, and on further conditions that:

(i) the appellant shall appear before the trial Court daily at 10.30 a.m. until further orders;

(ii) The appellant and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank pass Book and mobile numbers to ensure their identity;

(iii) the appellant shall appear before the trial Court on all hearings;

(iv) the respondent police is directed to ensure that there is no threat to the life and safety of the de-facto complainant. In the event of any threat, appropriate steps to be taken.

(v) the appellant shall not commit any offences of similar nature;



Crl.A.No.356 of 2026

(vi) the appellant shall not abscond either during investigation or trial;

(vii) the appellant shall not tamper with evidence or witness either during investigation or trial;

(viii) on breach of any of the aforesaid conditions, the learned Sessions Judge/trial Court is entitled to take appropriate action against the appellant in accordance with law as if the conditions have been imposed and the appellant released on bail by the learned Sessions Judge/Trial Court himself as laid down by the Hon'ble Supreme Court in *P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]*;

(ix) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

**13.05.2026**

Index: Yes/No

Internet: Yes/No

Speaking/Non Speaking order

vji / nhs

**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.

6/8



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Crl.A.No.356 of 2026

To

1. The District and Sessions Judge,  
Nagapattinam.
2. The District Prison,  
Nagapattinam.
3. The Public Prosecutor,  
Madras High Court, Chennai.
4. The Inspector of Police,  
Thalaignayiru Police Station,  
Nagapattinam.
5. The Deputy Superintendent of Police,  
Vedranyam Division,  
Nagapattinam District.



WEB COPY



CrI.A.No.356 of 2026

**P.DHANABAL, J.**

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**C.R.L.A.No.356 of 2026**

**13.05.2026**